REAUTHORIZATION OF FISHERIES LEGISLATION

HEARING

BEFORE THE

SUBCOMMITTEE ON FISHERIES AND WILDLIFE CONSERVATION AND THE ENVIRONMENT

OF THE

COMMITTEE ON MERCHANT MARINE AND FISHERIES
HOUSE OF REPRESENTATIVES

ONE HUNDRED FIRST CONGRESS

FIRST SESSION

ON

H.R. 1223

A BILL TO PROVIDE CONTINUED RESEARCH AND ENHANCEMENT ACTIVITIES FOR FISH SPECIES THAT ASCEND RIVERS FOR SPAWNING

H.R. 1224

A BILL TO ENSURE EFFECTIVE MANAGEMENT OF FISH SPECIES WITHIN FEDERAL AND STATE WATERS

H.R. 1225

A BILL TO AUTHORIZE FISHERIES RESEARCH, DEVELOPMENT, AND MANAGEMENT PROGRAMS WITHIN THE NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

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REAUTHORIZATION OF NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION MARINE FISHERIES PROGRAM AUTHORIZATION ACT, THE ANADROMOUS FISH CONSERVATION ACT, AND THE INTERJURISDICTIONAL FISHERIES ACT OF 1986

THURSDAY, MARCH 16, 1989

House of Representatives, Subcommittee on Fisheries
and Wildlife Conservation and the Environment,
Committee on Merchant Marine and Fisheries,
Washington, DC.

The subcommittee met, pursuant to notice, at 2:08 p.m., in Room 1334, Longworth House Office Building, the Hon. Gerry E. Studds (chairman of the subcommittee) presiding.

Members present: Representatives Studds, Hutto, Young, Dyson, Pallone, Coble, Hochbrueckner, Herger, Solarz, Unsoeld, Saxton, Miller, and Hughes.

Staff present: Jeffrey Pike, Su Sponaugle, Joyce Sacco, Lisa Murray, Sue Waldron, Tom Melius, and Rod Moore.

OPENING STATEMENT OF HON. GERRY E. STUDDS, A U.S. REPRESENTATIVE MASSACHUSETTS, AND CHAIRMAN SUBCOMMITTEE ON FISHERIES AND WILDLIFE CONSERVATION AND THE ENVIRONMENT

Mr. Studds. The subcommittee meets this afternoon to discuss legislation to reauthorize programs under three laws that have in common long names, important goals, modest budgets, and very few friends at OMB.

The Anadromous Fish Conservation Act was enacted 24 years ago to provide Federal support for research and enhancement activities for species like salmon and sturgeon, and striped bass that ascend rivers for the purpose of spawning.

The Interjurisdictional Fisheries Act, on the other hand, was approved only 3 years ago as a replacement for the Commercial Fisheries Research Act. Its purpose is to ensure the effective management of fish species that occur within both Federal and State waters, or that migrate within the waters of several States, or that NOAA care not whose waters they are in.

Our third bill would reauthorize the National Oceanic and Atmospheric Administration Marine Fisheries Program Authorization Act.

This was, as one can tell from its imaginative and concise title, originally created by the Senate. It contains a grab-bag of authorities for fisheries research, development and management programs within NOAA, none of which needed a specific authorization prior to the enactment of the law, and none of which have been tangibly affected by the enactment of the law.

The law does provide, however, a useful focus for discussion of the various fisheries-related programs of NOAA, and it could serve as a legislative vehicle in the future, if a need for modifying those programs should arise.

Each of the bills we will consider today provides for a simple reauthorization of existing programs at roughly current funding levels. During the next hour, we will discuss whether this is the right approach, or whether we should consider more far-reaching amendments that would significantly affect the operations of these programs.

Mr. STUDDS. Opening statements from members on either side? The gentleman from North Carolina.

Mr. COBLE. Mr. Chairman, I have no opening statement, but I would, without objection, move that the statements of Miss Schneider and Mr. Young be entered, and made a part of the record.

Mr. STUDDS. Absolutely. I thank the gentleman.

[The statements of Miss Schneider and Mr. Young follow:]

OPENING STATEMENT OF HON. CLAUDINE SCHNEIDER, A U.S. REPRESENTATIVE FROM RHODE ISLAND

I would like to thank the chairman for bringing this matter of importance before the subcommittee for our consideration. Reauthorization of these 3 bills are important to fishery resources and state fish and wildlife departments through the U.S., but most important to those states, such as my home state of Rhode Island, that have anadromous and interjurisdictional fishery resources.

Even though Rhode Island is small in size, it has 421 miles of coastline and is ranked 13th among all state and territories 955 in total) for receiving apportionments of the Interjurisdictional Fisheries Act funds in 1988. Rhode Island did not fair as well on other apportionments by National Marine Fisheries Service for the other authorizations (26th out of 60 recipients).

Rhode Island has not requested funding from the Fish and Wildlife Service's Anadromous Fish Conservation Program for the last 3 years, but did request funding this year to support a study by the University of Rhode Island. There is currently a restoration project underway on the Pawactuck River. Two species, the American shad and Atlantic salmon, are being worked on by the state fish and game department and the University of Rhode Island. The U.S. Fish and Wildlife Service is providing young salmon for release. I believe this is a good example of state and federal cooperation to benefit the people we work for along the Atlantic coast.

In addition, Rhode Island is a participant in the striped bass recovery program and is an active voting member of the Atlantic States Marine Fisheries Commission. Hence my interest in this matter.

I would be most interested in hearing from the witnesses regarding these three authorizations and their views. Thank you Mr. Chairman.

PREPARED STATEMENT OF HON. DON. YOUNG, A U.S. REPRESENTATIVE FROM ALASKA

Mr. Chairman, I join with you in welcoming the witnesses who will be appearing before us today to testify on these bills.

Like yourself, I have supported the state grant programs that are used to provide funding for fisheries conservation and management. Fish know no boundaries, and we therefore need cooperative management between the States and the Federal Government. These programs ensure that the funding is available for this cooperation.

At the same time, I want to again raise the question of where we are going to get the money for all the fisheries research and management that needs to be done. The States can't afford it; if they could, we would not have these grant programs. It appears unlikely that the Federal Government will be able to afford everything that needs to be done. We are going to have to look at creative ways to finance our fisheries needs.

I know you are concerned about proposals for user fees, Mr. Chairman, but I hope you will keep an open mind on the subject. I have some ideas that will soon be brought to light in a legislative package and I ask that you and other Members consider them carefully and not reject them automatically.

Again, I welcome these witnesses and look forward to hearing what they have to say.

Mr. Studds. Statements on this side? The gentleman from Maryland.

OPENING STATEMENT OF HON. ROY DYSON, A U.S. REPRESENTATIVE FROM MARYLAND

Mr. Dyson. Thank you very much, Mr. Chairman. Mr. Chairman, I would like to also welcome our distinguished panel. Today's hearing bears on issues that I care deeply about. As you know, the watermen of the Chesapeake Bay are threatened directly by the reductions in the populations of both Chesapeake Bay oysters, and rockfish, or striped bass.

Last year, the subcommittee held hearings on H.R. 3969, legislation I introduced in an attempt to establish a program toward understanding of the diseases which increasingly decimate oysters in our coastal waters. This year I will reintroduce similar legislation, H.R. 161, and I look forward to moving this bill through this subcommittee.

The Interjurisdictional Fisheries Act and the Anadromous Fish Conservation Act have played a substantial role in aiding the management and conservation of the fisheries resources of the Chesapeake Bay. Through these Acts, the Chesapeake Bay has benefitted from Federal assistance for research and emergency funding in striped bass and oysters. Watermen of countless communities in Maryland and other coastal regions of this country are looking to the Federal Government for assistance in these national problems.

The testimony presented here today underscores the accomplishments these pieces of legislation have achieved in the past. However, the problems we are addressing continue to affect our Nation's fisheries. I understand that we are now seeing the spread of oyster diseases into other nationally significant estuaries like the Albemarle-Palmico in North Carolina, where striped bass populations continue to decline.

The need for these reauthorizations is apparent. The legislation we are examining today addresses the many problems we continue to face.

Mr. Chairman, I look forward to working with you and the entire committee in pursuing legislative initiatives which will address the causes behind the severe declines our fisheries are suffering.

Efforts in the 101st Congress should not only include fisheries management legislation, but also basic research and coastal pollution initiatives. I thank you for the time.

Mr. Studds. I thank the gentleman. The distinguished, unbelievably distinguished gentleman from Alaska is recognized.

OPENING STATEMENT OF HON. DON YOUNG, A U.S. REPRESENTATIVE FROM ALASKA

Mr. YOUNG. Thank you, Mr. Chairman. Of course he has not explained why I was distinguished, so we have to be a little careful there.

Mr. STUDDS. Well, he has not figured it out, but he is going to.

Mr. YOUNG. Mr. Chairman, I have already submitted my prepared statement. I again compliment the Chairman, the witnesses today, and the one question I would like to have the committee consider is we have tremendous needs in the fishing industry, and as we have needs we have to have monies.

I hope that this committee will look at imaginative proposals to generate some of those dollars for the ability to make sure that our fisheries are still a viable way of life and economic stability for many of our States. I do believe that we are going to have to figure out a way to have those monies available for, in my case specifically, observers on our domestic fleet, so that we can maintain a sound fishing area for the many future generations.

Mr. Chairman, I look forward to the witnesses. I will have to leave at a little later time, and we will continue the hearings. Thank you, Mr. Chairman.

Mr. STUDDS. We will try. I thank the gentleman very much. Additional opening statements?

[No response.]

Mr. STUDDS. If not, we will proceed to——

Mr. HUGHES. Mr. Chairman.

Mr. STUDDS. The gentleman from New Jersey.

OPENING STATEMENT OF HON. WILLIAM J. HUGHES, A U.S. REPRESENTATIVE FROM NEW JERSEY

Mr. HUGHES. I just want to associate myself with the remarks of my colleague from Maryland. I, too, share his concerns over the lack of funding in the disaster program. I know in New Jersey we will exhaust, by the end of this year, all disaster funding for our oyster research program, to try to deal with a disease that has plagued not just the Chesapeake Bay but the Delaware Bay. So I look forward to hearing the testimony.

Mr. STUDDS. I doubt it.

Mr. HUGHES. Well, Mr. Chairman, as they say, where there is life there is hope. Thank you.

Mr. STUDDS. I thank the gentleman.

Our witnesses are in two panels. The first panel are witnesses from the Administration, and the second panel are witnesses from other than the Administration.

We will begin with Mr. James Brennan, Assistant Administrator for Fisheries at NOAA. Mr. Brennan, welcome. May I just say that I understand that each of you has agreed, on grounds of sheer humanity to yourself, and to us, to confine your oral presentation to no more than five minutes, and your written statements will appear, in their entirety, in the record. Thank you, and welcome.

STATEMENT OF A PANEL CONSISTING OF JAMES BRENNAN, ASSISTANT ADMINISTRATOR FOR FISHERIES, NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION; AND GARY EDWARDS, ASSISTANT DIRECTOR, FISHERIES, UNITED STATES FISH AND WILDLIFE SERVICE

Mr. BRENNAN. Thank you, Mr. Chairman, and I will attempt to do better than five minutes. The presentation that is written is rather short, and I think it can be improved by further shortening.

H.R. 1224 would reauthorize the Anadromous Fish Conservation Act. We oppose that, Mr. Chairman. H.R. 1225 would reauthorize the Interjurisdictional Fisheries Act of 1986. We oppose that, Mr. Chairman.

H.R. 1223 would reauthorize the National Oceanic and Atmospheric Administration Marine Fisheries Program Authorization Act.

The Department supports the reauthorization of this program at the funding level contained in this year's budget submission. The Department will be submitting a reauthorization to Congress in the near future, I am told.

The authorization of appropriations covered by this legislative proposal will be based on President Reagan's Fiscal Year 1990 budget request, and is included in the residual freeze category of President Bush's fiscal year 1990 budget plan.

Final decisions concerning programs in this category are to be determined through negotiations between the Administration and the Congress. Accordingly, the proposal of the Administration may need to be revised to reflect the results of such negotiations.

Thank you, Mr. Chairman.

[The statement of Mr. Brennan can be found at the end of the hearing.]

Mr. STUDDS. You did it. Thank you very much. I appreciate that.

Mr. Gary Edwards, Assistant Director for Fisheries of the Fish and Wildlife Service. Mr. Edwards.

STATEMENT OF MR. EDWARDS

Mr. EDWARDS. Thank you, Mr. Chairman. I appreciate the opportunity to testify this afternoon. I will limit my testimony to H.R. 1224, the reauthorization of the Anadromous Fish Conservation Act because that is the one Act in which the Fish and Wildlife Service has involvement.

Enactment of the Conservation Act on October 30, 1965, teamed the Federal Government with the States and others to rebuild and, where possible, extend the Nation's anadromous fish resources which were then at extremely low levels.

Since enactment, the grant program has stimulated State activity including increased interstate cooperation in the management of interjurisdictional anadromous fishery resources.

Some significant accomplishments since the Act was reauthorized in 1986 include the following:

On the Pacific Coast, California continues research and survey activities related to restoration of salmon and steelhead trout to the Klamath and Trinity River systems. Oregon and Washington are seeking to increase regional salmon production by cooperatively developing, refining, and evaluating techniques.

Idaho has undertaken improvements to fish passage facilities. Alaska is undertaking the restoration and enhancement of salmon in the Ketchikan area.

In the Great Lakes, Minnesota is reestablishing lake sturgeon in the Saint Louis River estuary. Wisconsin has begun an evaluation of a steelhead trout fishery in Lake Michigan.

Michigan, in cooperation with Indiana, is developing an anadromous fishery program for the Saint Joseph River.

In the Gulf of Mexico, Alabama and Mississippi have been working jointly to restore runs of striped bass in coastal streams and estuaries.

Texas has begun striped bass restoration and enhancement efforts in its waters. On the Atlantic coast, broad cooperation in the restoration and management of interjurisdictional anadromous fish is highlighted by efforts directed at coastal migratory striped bass stocks.

These examples of accomplishment under the Act do not tell the complete story. They do illustrate the breadth and scope of problems that have been addressed.

Given this success, it is now appropriate, however, for the States to assume greater responsibilities for these projects. One of the objectives of the Act was to encourage interstate cooperation in the management of anadromous fish resources.

A number of commissions, compacts, and other entities have been created that serve to ensure interjurisdictional cooperation.

For these reasons, and because of budgetary constraints, the Administration does not support H.R. 1224. Thank you, Mr. Chairman, for the opportunity to present our views.

[The statement of Mr. Edwards can be found at the end of the hearing.]

Mr. **Studds**. Thank you, sir. Gentlemen, let me see if I understand your testimony regarding the Anadromous Fish Conservation Act.

It is your belief that, as I understand it—both of you—that this Act has been successful. That is, that it has achieved goals that are important to the United States. Is that correct?

Mr. **Brennan**. That is correct, Mr. Chairman. There have been significant accomplishments. Particularly on the West Coast, the activity has been very supportive of the fishery management plans of the Pacific—excuse me, I've lost it—Pacific——

Mr. **Studds**. Marine.

Mr. **Brennan** [continuing]. Marine——

Mr. **Studds**. Fisheries.

Mr. **Brennan** [continuing]. Fisheries Management Council. Thank you, Mr. Chairman.

Mr. **Studds**. I am sorry. Are you done?

Mr. **Brennan**. Yes. I am.

Mr. **Studds**. Mr. Edwards, do you concur?

Mr. **Edwards**. I can only echo what Mr. Brennan has said. We feel that it has been very——

Mr. **Studds**. OK. Very good. And it is your view also, as I understand it, that the Federal-State partnership approach taken by the

Act has contributed to its success. Is that fair to say? Accurate? Both of you——

Mr. Edwards. Without a doubt.

Mr. Studds. Both of you are affirmative to that?

Mr. Edwards. Yes, sir.

Mr. Brennan. I would agree to that.

Mr. Studds. Then I understand that having reached those two conclusions, you further conclude that it is in the national interest to terminate the partnership in the program, is that correct?

Mr. Edwards. Yes, Mr. Chairman.

Mr. Studds. I see.

Mr. Brennan. The Administration's position is that we have come very far on the partnership approach, and now, it is time for the States to continue on, to continue the good work that we have started under our partnerships.

Mr. Studds. Does that reflect a conclusion on the part of the Administration that there is no national interest in anadromous fish?

Mr. Brennan. I would certainly disagree with a statement that there is no national interest in anadromous fish. In fact as you know, the Magnuson Fishery Conservation and Management Act asserts jurisdiction over anadromous species beyond the 200-mile zone.

Mr. Studds. But it should be addressed by the States?

Mr. Brennan. Excuse me?

Mr. Studds. But it should be addressed by the States, notwithstanding that?

Mr. Brennan. We are still, of course, addressing those problems. We have a significant effort with respect to piracy on the high seas of our Anadromous species beyond 200 miles. We are devoting a substantial amount of funding to the fishery management plans for these resources, and it is a question of where the fair division of the labor should lie.

Mr. Edwards. Just to go along with that, I would say that we certainly feel that Anadromous fish play a very important part in the Nation's fisheries. A large portion of the Service's fisheries budget is directed towards anadromous fish species.

Mr. Studds. However. Do you want to finish the sentence, or do you want me to?

However, having reached all those conclusions you want us to exterminate the Act, if not the fish?

Mr. Edwards. That is what the testimony reflects, sir.

Mr. Studds. Yes. Well, if there is one thing I guess we cannot forgive a program, it is unqualified success, especially as a model of State-Federal partnership. That appears to be fatal, somewhere, in the Administration. Gosh. Maybe we can find a program that is a complete disaster and you might favor its extension.

Mr. Edwards, we understand that the President just made a decision to put the trust back into the Wallop-Breaux Trust Fund, by recommending that the $100 million cap on expenditures proposed in the Reagan budget be eliminated. Is this true?

Mr. Edwards. Mr. Chairman, I am not directly responsible for that program, but that is my understanding, that the proposed cap has been withdrawn.

Mr. **Studds**. OK. Is it the Department's position, then, that the Anadromous Fish Program ought to be paid for by the States out of these funds, or do you still believe the program ought to be eliminated, as suggested by your testimony?

Mr. **Edwards**. I think one could make the argument that the projects funded under the Anadromous Fish Grants Program could be funded under the Wallop-Breaux. However, it is my understanding of the Wallop-Breaux Act, that that Act was not passed to replace existing programs, but to create and do new things.

Mr. **Studds**. Mr. Brennan, I, as Chairman, characteristically do introduce the routine reauthorization bill to renew the NOAA Fisheries Program Act because it is due to expire. But having done that, we looked at it, and it did, as I say, originate in the Senate some 3 years ago, and we have been unable to get any indication from the Senate as to what it really does.

Your testimony is not very specific either, so could you tell us, briefly, what it is that that statute accomplishes—what you are doing now that you would not be able to do if it were to expire.

Since it is the only one you favor the reauthorization of, some of us suspect at least the possibility that it does not do very much.

Mr. **Brennan**. Mr. Chairman, I think it is fair to say that without this Authorization Act the programs that we carry on would not necessarily be affected. It does provide an overarching authorization for many of the statutes that we implement, and we have, frankly, a large number of statutes that we implement.

It also provides an opportunity, I suppose, for an overall oversight of our activities, and is more, perhaps, symbolic than anything else. But the fact is that from a practical standpoint it has not affected our budgeting or how we approach the programs.

It does provide, however, an opportunity for the Congress, through the oversight, to look at the whole NOAA program, where, otherwise, it might want to do it on a statute-by-statute basis.

Mr. **Studds**. Let me ask you two quick questions. At least I assume they are quick. You say in your statement—as you, I guess are bound to do—that the NOAA program request is in the residual freeze category of the Bush budget.

For those of us whose early linguistic training did not qualify us to interpret that language, could you give us the difference between a residual freeze and a flexible freeze.

Mr. **Brennan**. Mr. Chairman, I think I have been here before and you asked that question, and I am embarrassed to admit that I did not go back and find out from OMB what the difference was.

Mr. **Studds**. Oh.

Mr. **Brennan**. I believe, in fact, there is no difference.

Mr. **Studds**. Oh.

Mr. **Brennan**. But I would certainly like the opportunity, this time, to go back, to find out exactly what that means, and to provide you a written statement of precisely what that language means.

Mr. **Studds**. That would be interesting, if not important.

[The information of Mr. Brennan can be found at the end of the hearing.]

Mr. **Studds**. The staff wants me to ask you whether you would rather skate on flexible ice or residual ice, and, once you have answered that, which would you prefer OMB to skate on?

Mr. **Brennan**. I would much prefer flexible ice.

Mr. **Studds**. You would. And one last question. At our hearing on the 22nd, you said the President had reversed his campaign position—his campaign position adopted at least three times—and now supported the creation of a Federal salt water fishing license.

In fact you were eloquent, if I may say so—you waxed positively biblical—and you compared his statements opposing such a statement last fall to Saint Peter's three denials of you know who.

My question is whether in the interim you have received any indication, one way or another, during the last three weeks, as to whether Mr. Bush in fact really does support a salt water fishing license, or whether he has, by any chance, changed his mind again and is prepared to add a fourth to the traditional biblical thrice?

Mr. **Brennan**. Mr. Chairman, I have not received any information from the Office of Management and Budget that would indicate there has been any change in the position of the Administration.

Mr. **Studds**. Oh.

Mr. **Brennan**. And I have not received—let me qualify that, or explain that. I also have not received any report from the Department of Commerce, or any other person in the Administration that would tell me that there has in fact been a change.

I have talked to certain staff members up there that suggest there may be a change, but I know nothing of it.

Mr. **Studds**. The record will reflect that you know nothing of it. Thank you.

There are two rules here. One says the gentleman from North Carolina goes first; the other says the gentleman from New Jersey goes first. Why don't we let the minority determine this. That settles that. The gentleman from North Carolina.

Mr. **Coble**. Mr. Chairman, I was about to yield to the distinguished gentleman to the North, but I appreciate that.

Mr. Brennan, you and the Chairman have had an interesting exchange here, and I do not want to take away from that. I just want to get these words on the record.

We all know that any time you put a Federal program on line it is eternal. You do not take Federal programs off. We all know that. You start funding them today. You fund, you fund. Grand youngu'ns will be funding them.

I just want to make it clear, Mr. Chairman, and members of the committee, that I like the idea of a State-Federal cooperative approach if it can be done.

I realize that in many instances Federal monies are important for these programs to be sustained, but I concur with what I think you are trying to say, Mr. Brennan. That if there is any way to cut back, for gosh sake's let's cut back and let's get the States more actively involved.

I say that without proposing to dismantle. I am not in favor of that at all. I empathize with you. I think I get a feel for your frustration. So having said that, Mr. Chairman, I look forward to hearing what others have to say. Thank you, sir.

Mr. **Studds**. I thank the gentleman. In order of subcommittee seniority, the gentleman from New Jersey. Mr. Pallone. I beg your—well, you were here first. That is okay.

Mr. **Pallone**. Thank you, Mr. Chairman.

Mr. **Studds**. We will be very informal.

Mr. **Pallone**. Thank you. I would like to discuss the NOAA Marine Fisheries Program Authorization Act. I understand that the reauthorization is suggested at the same level, but my impression—based on the work that is done at Sandy Hook in my district related to water-quality monitoring, and generally dealing with the ecology of the ocean, is that we may need more.

I constantly hear complaints that there is a need for more money and that these programs are very important in terms of ocean pollution and the ocean environment.

I noticed the Chairman suggested that the reauthorization was insufficient and I just wondered what your comments might be in terms of the need for additional funds because of the fact that a lot of these programs are so important to the Jersey shore, and I assume they are important to the rest of the country.

That fact seems to be just the opposite of what is being suggested here today. In general, we are talking about cutbacks, but I know that a lot of these programs are really important in terms of the basic research that is done with regard to the ocean environment. I would just ask you to comment on that.

Mr. **Brennan**. Well, that is a difficult question to answer. The fact is that these programs, many of them, are very important, and perhaps we will look back 5 years from now and say that they are vital programs.

It is a question, really, of where the greatest and most urgent needs are, and thus, this is the Administration's decision about how to proceed. I do not think that anyone in this room—certainly no one in the Administration—would say that these programs are frivolous, or unimportant. The question really is, we are facing a very stringent financial situation. Cuts will have to be made even in very important programs, and the hope is that the States will step forward and shoulder an additional portion of the burden.

I must admit, and emphasize, that the States, in the past, have been very cooperative in these areas, and have been attempting, with us, to do programs that are more than of purely local interest, and I recognize that.

Mr. **Pallone**. The reason, Mr. Brennan, I say that is that we have just heard reports within the last couple of weeks about dioxin in Raritan Bay, and other problems. Now I know that a lot of the basic research on those items, whether it be water pollution or water quality, are done at the lab under the auspices of this program. It just seems to me that there is a greater need for it, not less.

Let me ask a specific question about striped bass, if I may. I know that someone at the previous hearing, when we were talking about the budget, gave me an indication that there was some research being done with regard to the origins of striped bass, Chesapeake Bay bass as opposed to Hudson River bass, and that I was going to be provided with some information in that regard.

Two things. First of all, whether or not there is striped bass research with regard to the New Jersey-New York area, that comes under any of the programs we are talking about reauthorizing today, or is that strictly under this Emergency Striped Bass Act?

And secondly, what research has been done? Is there research that indicates the origin of the striped bass, whether it is Hudson River versus Chesapeake, in the New Jersey area?

Mr. **Brennan**. I believe that at the time your question was addressed to the Department of the Interior, and Mr. Dunkle indicated—and it is my recollection—some specific research. I would defer to Mr. Edwards.

Mr. **Edwards**. I might add to that. We are talking about section 7, which is primarily the funding for the Emergency Striped Bass Study provisions. In this year's allocation under section 4, the anadromous fish State grants, the State of New York is getting money which will go towards striped bass work.

I am not sure that New York's work is stock identification type work, but the work that is being done through both Federal agencies under the Emergency Striped Bass Study provisions has as some of its purposes identification of the mix of stocks, not only between the Chesapeake Bay stocks and the Hudson River stocks, but also, what may be coming from the Roanoke River Basin stock. So there is identification work going on, both through tagging, and other electrophoretic-type work to distinguish these stocks.

Mr. **Pallone**. But have they found anything yet? I mean, this is the bottom line.

Mr. **Edwards**. Some of the preliminary tagging data that are coming forward, based upon tag recovery, do show a mix of those stocks. Some Chesapeake Bay tugged fish have been recovered all the way up to Maine.

Mr. **Pallone**. Well, Mr. Chairman, if I could ask that whatever information, or results have been made available, that I could be, or the committee could be provided with it. I would appreciate it. This is the second time I have asked. Thank you.

Mr. **Edwards**. We can provide more specifics for you.

Mr. **Pallone**. OK.

Mr. **Studds**. The committee would appreciate a response.

[The information of Mr. Edwards follows:]

Research is underway to determine ways of predicting the origin of striped bass taken in Atlantic coastal fisheries. Both genetic and environmental marks are being examined for their ability to identify distinct stocks of striped bass. Preliminary results suggest that Chesapeake Bay and Roanoke River stocks can be discriminated from Hudson River stocks with about 80 percent accuracy. If these procedures are used to identify the stock composition of fish sampled in Atlantic coastal waters, including those of New Jersey, very large samples will likely be required to achieve acceptable levels of confidence in the estimates derived. Too few fish in the sample could provide relatively imprecise estimates of stock composition.

A coastwide tagging program was initiated in 1986 through the Emergency Striped Bass Study to provide information on mortality rates and movement patterns of striped bass along the Atlantic coast. Striped bass have been tagged in coastal waters of Rhode Island, New York, and North Carolina and in spawning and nursery areas of the Hudson River and Chesapeake Bay tributaries. In 1989, New Jersey joined the coastwide effort by tagging striped bass collected in Delaware Bay.

Although data from the cooperative coastwide tagging program have not been fully analyzed, preliminary examinations confirm the results of previously published tagging studies. Coastal waters of New Jersey serve as a migration corridor for striped bass. Striped bass tagged in Maryland waters of Chesapeake Bay are captured off the New Jersey coast during late May and June as they travel toward summer feeding areas offshore of New England. Hatchery reared fish tagged and released in Chesapeake Bay also have been captured in coastal waters of New Jersey. During the fall, tagged striped bass have been recovered along the New Jersey coast as they move southward to overwintering regions offshore of Virginia and North Carolina.

In January of 1988 and 1989, overwintering striped bass were captured and tagged in coastal waters of Virginia and North Carolina. Fish tagged in 1988 have been recovered as far north as Massachusetts and as far south as North Carolina. Fishermen from all coastal states in this range, with the exception of Delaware, have recovered tags from the overwintering striped bass that were marked offshore of North Carolina. In New Jersey the tagged fish were intercepted by sport fishermen and by commercial gill netters fishing for America shad.

In recognition of the need to better understand the origin of striped bass taken in Atlantic coastal waters, additional research is underway to make a direct comparison of several stock identification techniques. All involve time-consuming laboratory procedures, however, that require more effort than a simple inspection of physical characteristics. Results of the comparative study will not be available for at least another year. Once accurate and cost-effective methods for distinguishing striped bass stocks are identified, a comprehensive sampling program will need to be planned to obtain sufficient information to characterize the temporal and spatial distribution of striped bass stocks along the Atlantic coast. In the interim, recoveries of fish released from the coastwide tagging program will help provide migratory pathways of the stocks and their rates of movement between different areas. Many years probably will be required to complete the assessments.

Mr. STUDDS. The gentleman from New York.

Mr. HOCHBRUECKNER. Thank you, Mr. Chairman. Mr. Edwards, I understand that after some folks met with President Bush, his position on the rading of the Wallop-Breaux Fund changed, and that this is not going to happen. So I would like to just suggest to Mr. Brennan that maybe you should wait a little bit. We will have someone meet with the President and talk to him about the salt-water fishing license.

Maybe we can get a true clarification. Having sat here last time when we had a little exchange over the salt-water fishing license, I think it really is important that someone ask the President directly. We understand he is new, and obviously, the direction that some in the Administration would like to go may be different from the President. Certainly, this is an issue that is important to us who represent the coastline areas. However, it is not necessarily on the front burner with the President.

So, I would appreciate if you could go back to OMB, and to the White House, and ask the question: Does the President in fact want the salt-water fishing license, or does he not? I suspect something has been lost in the translation, and it is totally appropriate. When you are talking about a $1100 billion budget, clearly, the "small potatoes" that this represents is a very minute detail, and I would not expect that the President has personally dealt with this.

As has been pointed out, on three occasions the President has made a commitment, and I suspect that he will keep that commitment. It is necessary that one of you folks go ask the question and get a direct answer from the President, as opposed to an answer that might be leftovers from the previous Administration.

So, would you please get a real answer right from the President in terms of what his position is on the salt-water fishing license. Because we do not want to beat up on the President. We just do not want a salt-water fishing license.

Mr. BRENNAN. I understand, and prior to my last appearance here, I did speak specifically with the Office of Management and Budget, and was assured that the President supported my testimony.

I will of course go back to my colleagues at the Office of Management and Budget, and ask them to verify that that is the present position of the President.

I would think, though, that the President made a statement about marine fishing licenses. I do not think he made a commitment, and maybe that is a quibble, but I think he was asked by a reporter, and he gave his response to the reporter on several occasions. But I would not consider this to be a commitment, never to support a marine fishing license.

And so I think it is entirely appropriate that I go back to OMB, and I will provide to the committee the results of my inquiry, in writing.

[The information of Mr. Brennan follows:]

The Office of Management and Budget has informed NOAA that the Administration will support the same marine fisheries user fee legislation that it proposed last year. NOAA is putting the legislative package together and expects that it will be transmitted to the Congress shortly.

Mr. STUDDS. Is that perfectly clear to the gentleman?

Mr. HOCHBRUECKNER. Thank you, Mr. Chairman. Yes, perfectly clear, and——

Mr. STUDDS. There are commitments that last through mid-fall, and then there are commitments that last longer. I think there is a distinction; but we will find out.

The gentleman from California.

Mr. HERGER. No questions, Mr. Chairman.

Mr. STUDDS. The gentleman from Maryland.

Mr. DYSON. Thank you, Mr. Chairman. You know, I found it interesting. I think, Mr. Brennan, you said that these programs are working. That was after you said you did not favor the reauthorization of any of them, I believe, except for one.

You know, the Federal Government really has traditionally played a central role in interstate fisheries management and research, but what I find sort of hard to understand—this is my 9th year here—is how you all operate.

What I mean by that is, you obviously meet with people in OMB, correct? And you come up and you tell them what you told us, which is that the programs are working; that there ought to be a role, the Federal Government has played a role in it, and everything else that you said here today that was good. And then they say, fine, and put that big stamp of "no" on it.

I remember last year, as we were drafting our bill on the Oyster Disease Research Act, we were working with the NOAA people—and, you know, at every turn, these eminent scientists, like yourself, just said, we need this, this is really good. And then the very last word was—well, you know, OMB is going to come out with a position of "no go."

After about two hours of sitting down with all those people, I thought why the hell did you do it? You know, why did you spend the time?

What do you do when you go down to OMB? I do not even know where the OMB is located, except it is in this city somewhere. Do you push? Do you just accept what they say? You know, this is a big Government and a big budget, and, you know, some programs do get funded, and some get funded rather well.

I assume you tell them what you have told us, and the Chairman today, and then you get this slap in the face, and you are told no.

Mr. BRENNAN. Well, let me tell you what I know about the process.

Mr. DYSON. Yes. I would like to have that, not a long explanation, but, you know—I know what the answer is going to be at the end, so——

Mr. BRENNAN. You have had 7 years of experience dealing with this. This is my first time around the block on appropriations, actually the current fiscal year 1990.

But from what I have observed, what happens is, we first of all go out to all of our regional people, and tell them that we are preparing a budget. We give them a target and they can exceed that target by 5 or 10 percent with programs that they think are important and need to be done.

We, in the National Marine Fisheries Service, look at that, and submit our recommended budget to the Administrator of NOAA, who then gathers the other components of NOAA together, and submits to the Secretary of Commerce a budget for all of NOAA.

The Department of Commerce then of course goes to the OMB. We then go, when our proposals are received at OMB, to OMB, and we justify them. We try to convince them of the need for these programs.

They ask questions, and the meeting ends at that point. There is no decision at the meeting. The examiner then talks with his superiors——

Mr. DYSON. Can I interrupt you. I do not want to be rude, I really do not, but you are not helping me a whole lot. I know all of what you have said so far.

Mr. BRENNAN. Yes, sir.

Mr. DYSON. Because I have heard it said many, many times. I have been here 9 years, and I have heard it for 9 years.

You know, one of the things—that you said—is that some of these things you feel the States ought to pick up. I agree. I mean, we have got a heck of a situation today. We have got a huge budget deficit, and I really do not see the light at the end of the tunnel, and I am sure Mr. Bush and no one else does either at this point.

But the point is that programs that, to me, seem even more—now, not necessarily fisheries programs that this subcommittee is concerned about—but other programs seem even more geared to fitting that little scenario that you present, that the States ought to pick up, or counties, or whatever other jurisdiction ought to pick up, fit into that category much neater than this does.

And yet they will fund those and not fund this, and, you know, obviously, we have a big interest because I represent a coastal State, and most of the people here probably represent coastal States.

And some of these programs, of which there is a State partnership—my friend from New Jersey talked about the striped bass.

Well, you know, that has been a concern here for a long time. God knows, nothing would have happened if this subcommittee had not acted many years ago.

The oyster disease situation is an example. You all reluctantly have come into the picture by earmarking money for it, but it was for replenishment of stocks. And a lot of times, what we call seed oyster goes into areas where there are high salinity levels in our tributaries, where the culprit is the MSX, and the Dermo, and other parasites that are wiping them out. I know that they wipe out the seed stock. I mean, the replenished stock.

So, I wonder why we put the money in it. It is not a case of not placing the money there, whichever agency of the Government does it—our side, or the Executive Branch. It is happening anyway.

I just do not understand how the decisions are made, and, you know, OMB has such tremendous veto power in all of that, and you are giving me the impression that you make your little pitch, and then somebody comes out from behind closed doors and does it. There is just really no real rationale for all of it, in my opinion.

If you can explain it, I—for these programs, did the Fisheries Service request funding for it?

Mr. BRENNAN. For these——

Mr. DYSON. Did you think the funding was worth it?

Mr. BRENNAN. I think it should be funded at some level in the Fisheries Service. That was not the ultimate decision of the Administration.

Mr. DYSON. So when you spoke to the Chairman—and the Chairman was asking you, rather briefly, to just say how you felt on these three particular issues of which we have bill numbers, you said "no, no," and a "yes," I believe. Those were not your opinions; that was OMB's opinion?

Mr. BRENNAN. Well, I would not like to characterize it as OMB's opinion, and I do not think it is appropriate for me to come up and testify as to my personal opinion.

What I was giving you is the result of negotiations and discussions within the Administration, and giving you the Administration's position.

I think you have to recognize that when you have an organization like the National Marine Fisheries Service, which is a very highly scientifically-oriented organization, and they understand the scientific problems, and the needs, but perhaps we do not have the breadth to look at the entire budget in the context that the President has.

So, obviously, our priorities for the programs we know a lot about may be somewhat higher than someone who is asked to balance those programs against a whole variety of programs where the Administration has to be involved.

So, I do not think there is anything sinister or dramatic about the fact that people in the National Marine Fisheries Service think more highly of these programs than someone who is asked to make allocations across the board for an Administration budget position.

Mr. DYSON. Well, my time is up, and I would like to thank the Chairman for the committee's time, and I might add, that answer is pretty good. I liked that.

[Laughter.]

Mr. Studds. Does the gentleman from New York have any questions of this panel? Mr. Solarz?

Mr. Solarz. Has everyone already finished their questioning?

Mr. Studds. It is not mandatory. It is now or never for this panel. Panel two is about to materialize.

Mr. Solarz. Maybe I might ask one or two questions.

Mr. Studds. Have you got a mike there.

Mr. Solarz. Mr. Brennan, I gather that the view of the Administration is that this—how do you pronounce this word,, anadromous? Anadromous? Can you help me, Mr. Chairman?

Mr. Studds. I cannot believe you are asking me that kind of a question.

[Laughter.]

Mr. Studds. The subcommittee will be pleased to respond, either unilaterally, or in unison. On the second syllable.

Mr. Solarz. I gather your feeling is that there is no longer any need for this legislation?

Mr. Brennan. Yes. There is no need for this legislation. That is not to say that there is no need to fund the type of projects that this legislation has traditionally funded.

Mr. Solarz. Do you think there was once a need for it?

Mr. Brennan. Yes. I think so. I think that the Federal Government took the first steps, encouraged the States to participate, and the States have participated. The program has grown, and has been very successful. I think the States now recognize the benefits that accrue from their participation, and hopefully will continue to do that, even if the Federal funds are withdrawn.

Mr. Solarz. What would happen if the legislation were not enacted, the Federal program ended, and the States, in spite of your optimistic assessment, chose not to pick up the slack? What would happen then?

Mr. Brennan. I think over time, there would be a degradation of the resource. That greater pressures would be put on the national Government in its fishery management efforts, to help maintain a resource that would continue to dwindle if appropriate activities were not taken in the State waters, in the rivers of the States.

Mr. Solarz. In order for the States to fully pick up the slack, how many States would have to participate or establish programs? What are we talking about, and which ones?

Mr. Brennan. We do have a list of the participants in the program. The major States are the coastal States on the Pacific, and there is some——

Mr. Edwards. If I may add: There are 32 States that are eligible for the funding under the Act.

Mr. Solarz. And from your point of view, if the Act is not reauthorized, would all 32 States have to adopt programs in order to maintain the kind of benefits which have flown from the Federal program?

Mr. Edwards. Each year, the Act does not fund all 32 States. For example, our portion this year will fund approximately 18 States. I think I would agree with what Mr. Brennan said. I think the States, in some cases, would pick up some of the projects; however, I do not think they would be able to pick up all of them.

For example, we had $5.4 million worth of requests for $1.7 million.

Mr. **Solarz**. You had how much?

Mr. **Edwards**. In in our fund this year, we had $1.7 million. We got in $5.4 million worth of requests from the States, and the other individuals or entities that are eligible for it.

Mr. **Solarz**. Well, leaving aside, for a moment, where the funding comes from, is it your view that the current level of funding is necessary in order to provide adequate protection for this resource?

Mr. **Edwards**. I guess you could look at it several ways. If you look at it from the standpoint that we got in a lot more requests than we had money available, one could certainly argue that maybe the current amount is not sufficient.

Mr. **Solarz**. But at the very least it is a minimum?

Mr. **Edwards**. I think you can make that argument.

Mr. **Solarz**. Now, is it your argument, therefore, that if the Federal funding is terminated the States will pick up at least the minimum level of funding that is now provided through this program?

Mr. **Edwards**. I am not sure you could say they would pick up the minimum. I think that they would have to make some tough choices, and I think they would probably pick up some projects, particularly those that are high priorities and have high benefits, but I would doubt that they would pick up the entire amount, at least of our portion.

Mr. **Solarz**. Have you had discussions with the Governors of any of these States about whether in fact they would put money in their own budgets if we terminated the Federal participation?

Mr. **Edwards**. I am not aware of any specific discussion of that nature.

Mr. **Solarz**. Supposing it turned out that the States, for whatever the reasons, were not prepared to provide the funding for these programs which are now Federally funded. If that were to happen, would it be your view that it would have been a mistake not to reenact this?

Mr. **Edwards**. The work would not get done, and over time, I think the resource would suffer as a result.

Mr. **Solarz**. But your feeling is that if the States in fact are prepared to fund these programs, then the ultimate benefits are the same, regardless of whether they are funded by the States or the Federal Government?

Mr. **Edwards**. Yes, sir.

Mr. **Solarz**. But in effect you are saying that if the States can do it, why not let them do it, and that they are capable of doing it?

Mr. **Edwards**. That was part of the argument that we made in the testimony.

Mr. **Solarz**. But at the same time, you also say that you are not absolutely sure they will do it. You have not discussed this with them.

Mr. **Edwards**. I do not think there is any guarantee that the States would pick up the entire portion of those projects.

Mr. **Solarz**. Is there any guarantee that they would pick up 75 percent of it, or 50 percent of it?

Mr. **Edwards**. I could not give you a percentage. I do think that they would pick up part of it because some of them are very important programs to the States.

Mr. **Solarz**. So I guess part of the judgment here has to depend on a judgment about whether the States are in fact likely to pick this up, or pick up most of it?

Mr. **Edwards**. Yes, sir.

Mr. **Solarz**. And finally, you indicated there were requests of $5 million and you only had $1.7 million.

Does that indicate to you that in fact there is a significantly greater need for funding than there have been funds available?

Mr. **Edwards**. I think it is pretty obvious.

Mr. **Solarz**. Were the States contributing any of their own funds to these kinds of programs?

Mr. **Edwards**. Under the Act there are provisions for a match, that can vary all the way up to 90 percent, depending if the States are carrying out management plans that have been approved by the Commission(s).

Mr. **Solarz**. Well, so far as you know, did any of the States fund, on their own, any of the applications which were rejected?

Mr. **Edwards**. I am not aware if they did, or did not.

Mr. **Solarz**. Well, can you find out?

Mr. **Edwards**. We could pursue that.

Mr. **Solarz**. Could you let us know for the record.

Mr. **Edwards**. Yes, sir.

[The information of Mr. Edwards follows:]

In fiscal year 1988, the Service received $3.0 million in request for project funding, for which $1.7 million was available for allocation. This supported full or partial funding for 23 of 32 submitted projects. The Service was unable to find any instances where the States funded, in their entirety, projects not receiving funds.

In fiscal year 1989, the Service received requests totalling $5.0 million, for which $1.7 million was available for allocation. Six of the 32 projects submitted will not be funded. One of those will be initiated with State funds. Five of the 26 funded projects will receive less than the requested amounts. The Service was unable to determine how the affected States will respond.

Mr. **Solarz**. Because, if it turned out that they did not fund any of the programs for which they requested funds, for which funds were not made available, it might tend to suggest that they would not fund on their own those programs for which Federal funds were made available, if the funds are no longer made available. Would it not?

Mr. **Edwards**. Yes, sir.

Mr. **Solarz**. So that might provide some objective basis for a judgment about the merits of your contention that if we terminate the funding, we could be reasonably confident they will pick up a significant part of the slack?

Mr. **Edwards**. Yes, sir.

Mr. **Solarz**. And finally, could you just describe, in terms that someone new to this committee, and who is a layman when it comes to these matters, can understand—if it turns out that we cut off our funding and the States do not provide their own funding, what exactly is likely to happen over time, to what species, and what are the consequences of this?

Mr. Edwards. We both could probably speak because our grants fund different species, but most of our funds, over time, have gone to building hatcheries, fish passageways, fish screening facilities, and also to continue the maintenance of those facilities.

If the States were unable to fund those that have been involved in restoration and creating new fisheries, such as salmon runs in some of the rivers going into the Great Lakes, those programs would probably diminish as a result. You would then have a corresponding reduction in the recreational fisheries that those resources had provided.

Mr. Solarz. What does that mean?

Mr. Edwards. That means that——

Mr. Solarz. There would be fewer fish to catch?

Mr. Edwards [continuing]. That there would be fewer fish, and people would either have to go elsewhere to fish, or just not take advantage of the recreational use of those resources.

Mr. Solarz. Would these species be eliminated, or would their survival be endangered?

Mr. Edwards. In the case, or the example I gave you, an artificial fisheries was created, and, over time, if these fish were not replenished, that fisheries would just cease to exist.

Mr. Solarz. How many people take advantage of these recreational opportunities?

Mr. Edwards. We estimate that in 1988, based upon the funding that was provided, just from the recreational standpoint, it probably provided about 9 million angler days.

Mr. Solarz. Really? Were any of the anglers from Brooklyn?

Mr. Edwards. I would assume that some probably were, sir.

Mr. Solarz. Thank you very much, Mr. Chairman.

Mr. Studds. The gentleman's analysis is withering.

Does the gentlelady from Washington have questions for this panel?

Mrs. Unsoeld. No questions, Mr. Chairman.

Mr. Studds. If not, we will thank you gentlemen very, very much.

Mr. Hochbrueckner. Mr. Chairman, could I just ask one last question.

Mr. Studds. Very quickly, please. We are running behind. The gentleman from New York.

Mr. Hochbrueckner. Yes. I just heard a "hot rumor" from my staff that there might be a decision memo on salt-water fishing licenses before OMB at this time, and I was wondering if Mr. Brennan could either confirm or deny that rumor, which I hope is real?

Mr. Brennan. I will confirm that I heard the same rumor from your staff before this meeting started.

[Laughter.]

Mr. Brennan. That is all I can say at this point.

Mr. Studds. We thank the panel. We will go to the second panel.

As the second panel is coming up, I will say to the gentleman from New York, Mr. Solarz, that an unnamed staff member suggested that if the gentleman is seeking alternatives to the pronunciation of the word anadromous, he could go to other senior members of the committee. There are not many others, actually.

If panel number two could come forward. The etymology is Greek, I will say to the gentleman.

The second panel—are we all here? They are all here. If it is okay with you, we are going to go in the order in which you appear on the witness list, and, again, we are going to ask you also to confine your oral presentations to five minutes. First, Mr. Robert Jones, Chairman of the Atlantic States Marine Fisheries Commission. Mr. Jones, welcome.

STATEMENT OF A PANEL CONSISTING OF ROBERT A. JONES, CHAIRMAN, ATLANTIC STATES MARINE FISHERIES COMMISSION; GUY N. THORNBURGH, EXECUTIVE DIRECTOR, PACIFIC MARINE FISHERIES COMMISSION; AND NORVILLE PROSSER, VICE PRESIDENT, SPORT FISHING INSTITUTE

Mr. JONES. Thank you, Mr. Chairman, and I will try to be brief in my comments. I am Chairman of the Atlantic States Marine Fisheries Commission, and also director of fisheries for the State of Connecticut.

All 15 member States of the Atlantic States Marine Fisheries Commission wish to be on record as unanimously and strongly in favor of the reauthorization of the Anadromous Fisheries Act, the Interjurisdictional Fisheries Act of 1986, and the NOAA Marine Fisheries Program Authorization Act.

The Anadromous Fisheries Act Conservation Act has been the keystone of the conservation, preservation, and restoration of those species whose life cycle makes them especially vulnerable to man's disturbance of their unique environmental needs.

Some examples of the important work being accomplished with the assistance of these funds include the following. Georgia has partially funded assessment and biotelemetry studies of Atlantic sturgeon.

South Carolina is developing a long-term database needed to assess the status of American shad stocks.

North Carolina is monitoring juvenile and adult striped bass in the Albemarle Sound and Roanoke River system, and evaluating the coastal area stocking of juvenile striped bass.

Both Maryland and Virginia are conducting research and monitoring programs vital to the interstate management of striped bass, American shad and river herring.

With the Hudson River being the major producer of striped bass under present circumstances, New York's investigations into movement and growth and juvenile recruitment indices of the Hudson River bass, and their work on the biological characteristics of ocean stocks are essential to the overall management of the species in the Atlantic Ocean.

In my own State of Connecticut we have pursued a long-term research and monitoring program for American shad with the aid of these funds, and our work has become a standard for assessment and management programs for this species along the entire coast.

Connecticut and Massachusetts have been able to undertake investigation of both Atlantic and the endangered shortnose sturgeon.

Massachusetts will be collecting information on mortality of hooked and released striped bass, information essential to the future coastal striped bass management.

The Connecticut River anadromous fisheries restoration program, which in 1978 produced the first return of Atlantic salmon to that river in over 100 years, and which has allowed the return of American shad to their historical spawning grounds for the first time since 1794, has depended from its first inception on the partial funding made available by the Anadromous Fisheries Act.

The Interjurisdictional Fisheries Act of 1986 has become, in its short history, an important source of assistance in the cooperative management of coastal stocks of significant importance to the Nation. The following are examples of some of those programs made possible with this funding.

Virginia is conducting a survey of commercial fishing effort and the collection of harvest statistics.

Maryland is maintaining a long-term database including fisheries landings statistics, juvenile recruitment survey data, and American shad and adult striped bass stock assessment data.

Georgia's research and monitoring programs produce management decisions on estuarine and near-shore crustacean populations which affect fishermen throughout the South Atlantic.

North Carolina monitors commercial fishing for species and size composition, year class composition, and fishing effort. This information is utilized extensively by the South Atlantic, Mid Atlantic, and even the New England Fishery Management Councils, as well as by the Atlantic States Marine Fisheries Commission.

In South Carolina, the incidental catch of mackerel by shrimp trawlers is being studied as an adjunct to the South Atlantic Fishery Management Council's management plans for both species.

Massachusetts has instituted a program unique, at least in the Northeast, which focuses on public resource education, conservation engineering, and two-way communication between interjurisdictional fisheries managers and resource-user groups.

Both Connecticut and New York monitor and investigate various aspects of the biology of the American lobster, a species under management by both New England and the Atlantic States Marine Fisheries Commission.

Rhode Island's interjurisdictional program includes a finfish assessment, a project of extreme value to the management of southern New England's commercial fishery.

The Atlantic States Marine Fisheries Commission utilizes its share of these funds to support development and monitoring of fisheries management plans for northern shrimp, bluefish, striped bass, sturgeon, shad and river herring, menhaden, and Atlantic herring.

In addition, vital cooperative work is being done in interstate shellfish transport, and commercial fisheries statistical database development.

A question that has been asked, and one which I am sure will continue to be asked, is why the States cannot utilize their Wallop-Breaux funding for these programs.

In many instances the species or programs involved are clearly relevant only to commercial fisheries, and therefore are ineligible for DJ/Wallop-Breaux funding.

In other instances, the States have developed a rational mix of funding from all sources—State, DJ/Wallop-Breaux, Anadromous and/or Interjurisdictional Fisheries, in order to respond to the priorities of their State, and to those of the region and the Nation.

It has not been my intention in these comments to describe all of the programs on the East Coast which depend upon Anadromous Fisheries or Interjurisdictional Fisheries' funds.

What I have attempted is to describe those programs which are examples of the types of activities that we believe benefit fisheries of the Nation. Southern shrimp, American shad, and American lobsters are resources of this Nation as well as that of the States that manage them.

Atlantic salmon restoration has nearly as many supporters in Texas as it has in Connecticut. As national resources, we believe that it is necessary that research and management of these species be a national priority, and we believe that it is entirely fitting that assistance for this important work be provided by these two Acts.

Thank you.

[The statement of Mr. Jones can be found at the end of the hearing.]

Mr. STUDDS. Thank you very much, Mr. Jones. Mr. Guy Thornburgh, Executive Director of the Pacific Marine Fisheries Commission. Welcome. I understand that you flew from Oregon today?

Mr. THORNBURGH. Yes, sir. Yesterday.

Mr. STUDDS. Sorry about that.

Mr. THORNBURGH. I will take about 10 seconds for every 100 miles I flew.

Mr. STUDDS. You are entitled to it.

Mr. THORNBURGH. Thank you.

STATEMENT OF MR. THORNBURGH

Mr. THORNBURGH. I am Guy Thornburgh, Executive Director of the Pacific Marine Fisheries Commission, representing the States of Alaska, Washington, Oregon, California, and Idaho.

We urge that you maintain full support of these fisheries programs because they contribute to the State-Federal fisheries programs we have on the West Coast.

We believe our program on the West Coast is a model. It assures that all interjurisdictional and anadromous fisheries, all of them, are well-managed. What we have done on the West Coast has taken us two decades to develop.

We have worked with the Federal agencies to develop a partnership of regulations, and a partnership of funding that has led to three categories of responsibilities and roles between the State and Federal agencies.

The first category includes those fisheries that are exclusively within the State jurisdiction, they are regulated by the States and they are funded by the States.

Please keep in mind that all four of our coastal States already have marine recreational and fishing licenses, and all four of our States already charge landing fees from the commercial fishermen.

The second category of fisheries in our partnership are those interjurisdictional fisheries, those that exist both in the State and the Federal EEZ, that are regulated solely by the States, not by the Federal Government—even though these fisheries go out to 200 miles, and even though every one of these fisheries in this second category, at one time or another, was considered by a regional council for Federal fishery management plan development, but instead they delegated the authority to the States.

These fisheries include king crab, herring, Dungeness crab, shrimp, scallops, billfish, squid, et cetera. They are funded predominantly by the States, but we do get some Federal assistance such as these grants.

The third category of partnership-type fishery are those remaining interjurisdictional fisheries that are both in State and Federal waters, and happen to have a fishery management plan by the Federal Government.

They are anchovy, Pacific groundfish and Pacific salmon, Southeast Alaska salmon and Alaska groundfish. These are all, of course, managed by the Federal Government, and they are predominantly funded by the Federal Government. But for each one of these fisheries we have compatible regulations by the States, so they are managed from the beach out to 200 miles. There are no conflicts in the laws, and this is one element of the partnership that we have established with the Federal Government.

Also for each one of these fisheries, there is considerable financial aid to the Federal Government by the States, and this is another element of our partnership.

I would like to point out that in fiscal year 1987, our four coastal States spent $160 million of their own State money to manage all of the fisheries, recreational and commercial, which was their contribution to these three categories of fisheries, from zero out to 200 miles. $160 million in 1 year by all four States.

Mr. Brennan's budget this year is $167 million. If you take out his overhead, and his pass-through grants, he only has $126 million of discretionary money to spend for the entire Nation. But our four States spend $160 million each year to manage the fisheries. We are making a fair share.

So, on the West Coast, we have a true partnership of regulations, a true partnership of funding, and we are proud of it. It assures proper management of all fisheries; it avoids costly duplication because we divide the chores between State and Federal agencies; we match Federal dollars with State dollars, and, in part, it is dependent on the continuation of these grants.

We spend our money through these grants not to do research, but to do the day-to-day fishery collection for management that is used by the States and the councils. We determine how many fish will be harvested. We collect information in season to make sure that we do not harvest too many, and we collect information to determine who is fishing on which stocks, so we can deal with the tough allocation issues that occur.

The only new projects that we have started are those projects that occur under the special grant to our commission, under the interjurisdictional grant. We are doing two programs, both for interjurisdictional fisheries. In Southeast Alaska where the long-line fishermen typically end up overcapitalized and have very short seasons, like in halibut and sablefish, we are trying to maintain the long-line rock fishery as a year-around fresh fish fishery that has a high value. So we are developing an effort limitation program for that fishery.

We are also using the monies to work on an offshore thresher shark fishery that the Pacific Council does not have the resources to manage, and they asked that we use our interjurisdictional monies to find out how that fishery is performing.

With the use of these interjurisdictional monies, we were able to establish a mandatory on-board observer program which not only finds out what type of fish they are catching, but there are spin off benefits to find out what type of marine mammals and other living resources are being taken 20 to 200 miles offshore in those gill nets.

Frankly, given how successful the program is on the West Coast, we think the Administration's position on these grants is ridiculous. This is not the time to stop the Federal commitment to these programs.

The past investment has been very good and it has developed a truly cooperative program. We need to continue this investment so that we can assure that all of our interjurisdictional fisheries are managed properly, and dropping these programs at this time I believe would destroy the spirit of the partnership we have on the West Coast.

Even the continued erosion of these programs in their budgets is of concern to us. The fiscal year 1989 budget for these interjurisdictional anadromous grants is about one-half of the spending power we had in fiscal year 1986.

Yet the amount of work that needs to be done, the Federal responsibility in interjurisdictional fisheries is increasing, not decreasing. We have Americanized, under the Magnuson Act, all of our fisheries, and we have all kinds of users who want to have a fair and equitable allocation, and it takes information which these programs collect.

Not just commercial fishermen, but recreational fishermen, environmentalists, tribal fishermen, et cetera. And that is how we intend and hope to use these monies in the future. But it is difficult to do it when the spending power goes down. We, the States, are assuming more of the financial burden than we were before.

So, once again, we urge that you hold firm on your commitment to these grants, because on the West Coast, we see that as a commitment to a partnership in funding, a partnership in regulation, and a partnership in a program that is actually working. Thank you.

[The statement of Mr. Thornburgh can be found at the end of the hearing.]

Mr. STUDDS. Thank you very much. I appreciate that. Finally on this panel, Mr. Norville Prosser of the Sport Fishing Institute. Mr. Prosser.

STATEMENT OF MR. PROSSER

Mr. **Prosser**. Mr. Chairman, thank you very much.

I do, on behalf of the Sport Fishing Institute, wish to express our appreciation for the opportunity to appear before you here today.

Let me first address, if I might, the Anadromous Fisheries Conservation Act of 1965. The Sport fishing industry has consistently supported the Anadromous Fisheries Conservation Act and the Federal-State partnership program that the Act has created.

Our interest and support originates in the sure knowledge that the highly popular anadromous species that are benefited by this program, such as salmon, striped bass, steelhead trout, shad, sturgeon, and others, attracts an enormous amount of recreational fishing activity, and generates considerable economic activity that benefits the entire Nation.

In 1985, anadromous stocks of just salmon, steelhead trout, and striped bass in this Nation attracted and supported 73 million angler days of recreation. That is according to the Department of Interior.

In that same year, the U.S. Fish and Wildlife Service estimated—as we heard Mr. Edwards say a moment ago—that the investment in anadromous grants resulted in an additional 9 million angler days of recreational activity.

Using available economic value information, we estimate that using the most conservative estimate of a day's value for anadromous species-targeted sport fishing of $40 in 1985, these trips generated an economic value of $2.92 billion in economic activity.

Similarly, the annual increase in angler days resulting from the Anadromous Fisheries Act itself, the 9 million angler day figure is equivalent to an economic and value figure of $360 million. We think this is quite an excellent return on what we would consider a modest Federal investment.

There is in place the expanded user-fee program under the Federal Aid in Sport Fish Restoration Program, which we know popularly as the Wallop-Breaux Program.

We do not, however, believe that the Wallop-Breaux recreational user fees should be diverted to supplant general appropriations which were authorized specifically to address Federal Government responsibilities under international agreement, and the resolution of adverse habitat alteration such as in-stream water developments.

The two programs are distinctly different and both are needed.

Mr. Chairman, our Nation today is more committed through treaties on anadromous fish stocks on both East and West Coasts than at any time in our history.

Our Great Lakes' anadromous stocks of such tremendous and economic social value in the 1970's and early 1980's are under increasing stress and duress. Our natural resource agencies are embattled, as never before, in efforts to prevent new migration barriers on anadromous rivers, and to obtain corrective facilities at existing blockages.

I agree with the other witnesses that now is not the time to terminate funding for the Anadromous Fisheries Conservation Act. We support reauthorization of the Act as contained in the bill.

With regard to the Interjurisdictional Fisheries Act of 1986, obviously managing fisheries which migrate among several management jurisdictions presents some very special and complex problems.

Identification of problem areas is the first step in accomplishing an overall plan for pre-crisis intervention. Coordinated fishery research is crucial in this regard. Fishery research among jurisdictions should be coordinated and monitored to address highest priority questions and to avoid duplication of effort, and maximize benefits from research dollars and cooperation among the States.

Under the Interjurisdictional Fisheries Act the emphasis has been to do exactly that, to encourage interstate management projects.

The interest of the sport fishing industry is in meeting critical national research needs in our interjurisdictional fishery resources. Our consultation with the States, and the various commissions, have convinced us that research on stocks of importance to our interests are being well-served by the Interjurisdictional Fisheries Act of 1986.

That Act has proven to be most helpful in the vital studies of stock dynamics, studies that are essential to the management of shared fisheries. We support reauthorization of that Act, and urge your support of H.R. 1225.

Thank you, Mr. Chairman.

[The statements of Mr. Prosser and Mr. Simpson can be found at the end of the hearing.]

Mr. STUDDS. Thank you very much, sir.

Well, all five of our witnesses agree that the programs in question are working, and working well, and it is three to two that they should be continued. That settles that.

Let me just say that I guess it goes without saying that I, and I am sure the members of the committee, find your testimony a good deal more compelling, even more grammatical than that of the Administration.

But just for the fun of it, and for the record, would any of you, or all of you, like to reflect upon the consequences that would ensue if we were to accept the recommendation of the Administration and decline to reauthorize any of these statutes. Then, given your own experience and knowledge, what would be the consequences?

To what extent, if any, would the slack be taken up by the State, or other levels? What would happen if, in response to the plea for a kinder and gentler Nation, we abolished all three statutes?

Mr. THORNBURGH. Yes, sir. I can I think answer that because last year, on the West Coast, in the ground fishery, an interjurisdictional fishery, under PACFIN funding we found the——

Mr. STUDDS. Can you pull your mike a little closer, sir.

Mr. THORNBURGH. In a similar situation, in an interjurisdictional fishery managed by the Federal Government, but with significant contributions by the State, we lost some Federal funding in PacFIN, and as a result our State directors indicated that they would not continue to do the work that they had been doing. They would not use their State monies any longer to fill in behind Federal shortfalls, and, as a consequence we would have lost the accurate in-season management that we had in that fishery.

So we have experienced this exact situation in our West Coast States, and I am quite certain that our State directors would not be able to fill in behind it. We would lose the information from these programs that are used for day-to-day direct management.

We are not doing research projects that can be stopped and put off until some other time. These are programs that are necessary for in-season and between-season management of our interjurisdictional fisheries, and the States are just not going to absorb any more of the burden.

The only way they could do that is to raise their fees, and, as you know, it is difficult to get fees through any type of legislative process, and it has taken them a long time to do that, and that would be their only alternative.

Mr. STUDDS. Thank you. Does anyone else want to respond to that? Mr. Jones?

Mr. JONES. Yes, Mr. Chairman. I think I can say, categorically, that certain of the projects that are presently going on simply would not be done. In my case, in Connecticut, a number of the projects are being prosecuted by people that we have hired with these—utilizing these funds, and we would simply be unable to replace those people. Therefore, the task would simply come to an end.

Clearly, again, as I indicated, the States have their priorities and they would look towards filling the priorities that are most important to them, and they might not necessarily be those that relate to the cooperative efforts, or to the regional or national interests.

Mr. STUDDS. Mr. Prosser?

Mr. PROSSER. I would just perhaps add that the ability of the States to attract or develop financial resources within their borders basically come from user fees on licenses, from recreational fishermen, and the commercial fishing industry as well, and from excise tax, specialty excise taxes on their sporting equipment.

And I think it is fair to expect the constituents in those States to ask the question—I thought this was a partnership with the Federal Government. I thought we truly have Federal responsibilities in fisheries stock management within our borders.

They would ask the difficult question: Is it appropriate, is it equitable, to put the full burden, including the Federal share of the responsibility, on the backs of the recreational consumer? And I think their answer would be probably no, it is not fair, it is not equitable.

Mr. STUDDS. Thank you. Mr. Thornburgh, I understand that your commission does work in areas beyond simply the question of interjurisdictional fisheries. Marine mammals. You mentioned, I think, thresher sharks.

Do you receive funding from any other source in the Federal Government than those authorized under the Interjurisdictional Act?

Mr. THORNBURGH. Does my commission directly, or my member States?

Mr. STUDDS. No. Your commission.

Mr. THORNBURGH. We receive some money from the National Marine Fisheries Service in a State-Federal cooperative program. I think it is about $12,000 a year, to help towards State-Federal type activities, and I receive a little bit of money through the management council process to participate on both the councils. Then all of our other money comes from either contractual work we have with Government agencies, or State dues.

Mr. **Studds**. Mr. Prosser, I think you said in your statement that some have suggested we use Breaux-Wallop, or Wallop-Breaux—depending on the weather—funds as a replacement for the anadromous program. Who is "some"? Who suggested that, and what would be wrong with it?

Mr. **Prosser**. What would be wrong with it? I think, first of all, we understand that that concept has been fairly frequently articulated by people in the Administration, at least informally.

We do have a user fee that we expect to distribute $179 million to the State fishery management agencies for purposes of recreational fishery management. It is limited only to recreational fisheries management.

Part of my response I have already given in my previous comment. Should it be the responsibility of the individual recreational angler in this country to assume all of the financial burden of managing our Nation's fishery resources, including the Federal Government's responsibility under international treaty; including the Federal Government's responsibility to help mitigate Federally permitted hydropower projects on anadromous rivers? To protect the Great Lakes anadromous fisheries? We do not believe that that is a fair and equitable distribution of the financial burden.

Mr. **Studds**. You will not hear any argument from the committee. The gentleman from North Carolina.

Mr. **Coble**. No questions, Mr. Chairman.

Mr. **Studds**. The gentleman from New Jersey.

Mr. **Pallone**. Thank you, Mr. Chairman. I tend to be very supportive of what you have said in terms of the need for at least the present funding authorization or even an increase, because of the needs in terms of research on fisheries, species, et cetera.

But I have to tell you that in my area in New Jersey, I increasingly get criticism of the Atlantic States Commission as well as the Sport Fishing Institute, because the feeling amongst recreational fishermen is that the biological data, or the research that is done on some of these species—most notably striped bass—does not justify some of the actions that are taken.

I mentioned before, with Mr. Brennan, that there is a strong feeling in my area, that most of the striped bass that are being taken are from Hudson River origins, and yet the Atlantic States Commission year after year, puts more restrictions on the striped bass, on the assumption that the fish are from the Chesapeake Bay, or that there is no way of distinguishing between the two.

My first question with regard to striped bass is, where is the data that would continue to justify, or where is the research being done that would continue to justify these increased restrictions on striped bass? Because so far, no one has given it to me.

I know this is the first time I am asking you, Mr. Jones.

Mr. **Jones**. Well, frankly, I can sympathize with you because we in Connecticut have a similar circumstance. We feel that a substantial number of the fish that are taken in the Long Island Sound also originated from the Hudson River.

My constituents have asked the same question, and my response has been until such time as somebody can tell us how we can tell that fish apart, we are obligated in the restoration of the Chesapeake Bay stocks. We know that those stocks intermingle, and research over the years has shown that, and we believe that it is appropriate to restore the Chesapeake Bay stocks and impose whatever measures are necessary.

And clearly, we are having a favorable impact on other stocks as well, particularly the Hudson River. We would be concerned, for example, if there was a—more of a concern that fish from the Hudson River were not being exploited to the extent that they could be, and if in fact that were the only stock available, that would not last very long either.

We have work underway, and New York is doing extensive work in determining the origin of these stocks. We have had stock origin work being done by the University of Rhode Island, and I think, in the final analysis, in the revision of the plan that we are now working on, we will come to some conclusion that will allow for an appropriate utilization of all of the resources.

But that striped bass management plan has, as its major objective, to restore Chesapeake Bay stocks, and if we cannot distinguish one from the other, that necessarily has to be the major thrust of the program.

Mr. **PALLONE**. Well, the problem is, off New Jersey we see a tremendous build-up in the stocks, whether they be Chesapeake Bay or Hudson River, and that is the reason why everyone keeps wondering when the limitations are going to change.

It is becoming increasingly impossible to believe that there is a need to continue to increase the minimum standards for the fish.

The most recent phenomena, though, was an article in one of my dailies about bluefish.

I understand that both the Sport Fishing Institute as well as the commission have been very much behind a plan to limit recreational take of bluefish. I do not see any evidence, any research that would indicate that there is a necessity to do that.

You mentioned in your statements, research under the legislation we are discussing today with regard to bluefish, and yet there does not seem to be any biological data revealing that bluefish stocks are having a problem. They seem to be in better shape than ever.

What is the rationale behind that plan, which I understand both the institute and the commission support?

Mr. **JONES**. At this point in time we are in the process, in cooperation with the Mid Atlantic—we, the commission, are in cooperation with the Mid Atlantic Fisheries Management Council, developing a bluefish management plan, and it has not as yet been completed.

It has not been—the draft plan has not been reviewed by the commission itself. It is in the works. We will be going to public hearing this summer with various options for the management of that species, and the basis for a discussion at this point in time for a limit on bluefish is, frankly, to prevent what we see as effectively wanton waste.

And those of us that spend time along the shore in this business find dumpsters full of bluefish. We find trash cans full of bluefish. People catch bluefish until they load the boat, and then do not know what to do with them, and they throw them away. We think that is intolerable.

Mr. PALLONE. But then it is not in any way based on any research that has been done to show that there is a problem with the species?

Mr. JONES. That part of it—the present process, the present discussion is relative to the wanton waste. We do have stock assessment information, however, that suggests that the stock is presently at about its maximum exploitation.

There is still ongoing discussion between the scientists in that regard, and the issue will be reviewed, in detail, within the plan when it is completed, but there is concern among some scientists, none the least of which—some that work for me—that in fact if we exploit that bluefish resource to any greater extent than we are now, or, if in fact environmental conditions cause a reduction in the stock of bluefish, and the exploitation rates stays as it is now, that stock can be reduced substantially and very quickly.

And as I say, that scientific information will be included in the plan as it goes to public hearing.

Mr. PALLONE. Well, if I could, through the Chairman, get that information with regard to the bluefish, I would certainly appreciate it.

You know, I think it is germane to the discussion today because those of us who would like to continue to support these programs—and I feel very strongly in that regard—we are not going to be able to, or at least I am not going to be able to continue to support them if there is not a basis—a research or biological basis for instituting some of these management plans.

And I think the feeling in my area, with regard to both striped bass, and now, bluefish as well, is that the data just is not there to justify the continued restriction.

Mr. JONES. Well we will be glad to provide it for you.

Mr. PALLONE. Thank you.

[See letter at the end of the hearing, dated April 3, 1989.]

Mr. STUDDS. I would say to the gentleman, we have instructed the staff of this subcommittee, for more years than I can remember, to interview a representative cross-section of stripers to inquire as to whether they were Chesapeake or Hudson River. They have been very non-responsive. The fish. We have been unable to determine that.

I would say, if the gentleman is seeking evidence that the bluefish is in trouble, I can submit the fact that I am able to catch them with relative ease, as a sign of the degree of trouble they are in. The same is not true of the striper. It is smarter.

The gentlelady from Washington.

Mrs. UNSOELD. Thank you, Mr. Chairman. I would like to follow up on your question as to what would happen if we follow the Administration's recommendation that we do away with the Anadromous Fish program. Mr. Thornburgh, you gave the example of a specific program that had the Federal portion withdrawn in the past.

What would happen to the salmon populations? Do we have enough information that we no longer need to continue the research directed at fisheries conservation and management?

Mr. **THORNBURGH.** No. We do not, particularly in terms of the identification of the individual stocks, and how those stocks are utilized by the different fishing parties, and that is why we have such extensive code wire tag marking, and genetic differentiation, et cetera. So that is a good example of the type of information we need to continue.

Once we even learn how to mark and start to separate the stocks, which we have used these anadromous grants for in the past, it has to be an ongoing activity. We have to continually monitor the tags, and monitor the stocks, and we find that as time goes on, user groups' demands change.

The recreational demands now are much greater than they were a decade ago. Obviously the tribal demands were not even considered two decades ago, and these programs contribute to that type of——

Mrs. **UNSOELD.** In your view, if we lost the Federal partnership portion, how would salmon management be affected?

Mr. **THORNBURGH.** Well, in the very short term, presuming that the States are not going to come up with the money, what you might find is robbing Peter to pay Paul. You may find that you take, as State directors typically do, you are going to take money from some other program to do it. It is either going to be the State program, or Federal program, and the States have told us they do not have the money.

So you have to start worrying about the monies going into Pacific salmon commission research. You have to start worrying about other monies, or you just drop the program, which means you no longer can give the answers to the user groups on where the stocks are coming from, and who is taking which——

Mrs. **UNSOELD.** Thank you, Mr. Thornburg. Thank you, Mr. Chairman.

Mr. **STUDDS.** Thank you. Thank you, gentlemen. You have done I think a very important service in creating a record in the context of which the Administration's testimony, unfortunately, for the umpteenth consecutive year, does not command a great deal of respect or credulity.

I do not know. I think some of us hope, fervently, we will live long enough to one day see Administration testimony which is worthy of the time that it takes to read, or even to summarize.

The staff is—it is overdone now. Now that you have seen to whom this question is attributed, it can be safely asked.

Someone on the staff wants to know, that given the success we have had with the Pittman-Robinson Bill, or program, and with the Dingell-Johnson/Wallop-Breaux, or whatever combination of those you want—whether we might save the anadromous program by naming it after someone prominent. Very prominent. More prominent.

[Laughter.]

Mr. **STUDDS.** That is a softball team. That is not an Act.

Mrs. **UNSOELD.** It would be easier to pronounce, too. It might be easier to pronounce, also.

Mr. **Studds**. It would, indeed. If we could pick two of the Presidents' names, and two of the Vice Presidents' names, and put them together, certainly Mr. Solarz would not have trouble pronouncing it, and we might get an act with enough support.

Anyway, look at it this way: The President is a sports fisherman. Think where we might have been.

[Laughter.]

Mr. **Studds**. I am very serious when I say that you have helped us create a record which I think we can now go to the full committee, and to the House Floor, and with our heads held high, and say, look, these are very, very modest programs, they do things of enormous consequence for the country, and are of a genuinely national interest, and let's proceed.

I hope, notwithstanding the difficulties—to put it politely—of the budget battle in Washington these days, that common sense will not be one of the many, many victims of that debate.

Thank you for your contribution. Thank you for the distances you have come. Mr. Thornburgh, are you going back today?

Mr. **Thornburgh**. No, sir. Tomorrow. I am not going to miss a chance to be in town for another day.

Mr. **Studds**. I am not going to touch that. You are lucky to be going where you are tomorrow. Thank you all for your help, it is considerable, and the subcommittee stands adjourned.

[Whereupon, at 3:34 p.m., the subcommittee was adjourned, subject to the call of the Chair.]

[The following was submitted for the record.]

I

101st CONGRESS
1st Session

H. R. 1223

To authorize appropriations to carry out the National Oceanic and Atmospheric Administration Marine Fisheries Program Act through fiscal year 1992.

IN THE HOUSE OF REPRESENTATIVES

March 1, 1989

Mr. Studds (for himself and Mr. Young of Alaska) introduced the following bill; which was referred to the Committee on Merchant Marine and Fisheries

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A BILL

To authorize appropriations to carry out the National Oceanic and Atmospheric Administration Marine Fisheries Program Act through fiscal year 1992.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the National Oceanic and Atmospheric Administration Marine Fisheries Program Act (Public Law 98-210; 97 Stat. 1409) is amended—

(1) in section 2(a) by striking "$26,500,000" and all that follows through "fiscal year 1988, and" and by inserting "and $30,000,000 for each of the fiscal years 1990, 1991, and 1992" immediately after "1989";

(2) in section 3(a) by striking "$35,000,000" and all that follows through "fiscal year 1988, and" and by inserting "and $30,000,000 for each of the fiscal years 1990, 1991, and 1992" immediately after "1989"; and

(3) in section 4(a) by striking "$10,000,000" and all that follows through "fiscal year 1988, and" and by inserting "and $15,000,000 for each of the fiscal years 1990, 1991, and 1992" immediately after "1989".

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101st CONGRESS
1st Session

H. R. 1224

To authorize appropriations to carry out the Anadromous Fish Conservation Act through fiscal year 1992.

IN THE HOUSE OF REPRESENTATIVES

March 1, 1989

Mr. Studds (for himself, Mr. Jones of North Carolina, and Mr. Young of Alaska) introduced the following bill; which was referred to the Committee on Merchant Marine and Fisheries

---

A BILL

To authorize appropriations to carry out the Anadromous Fish Conservation Act through fiscal year 1992.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 4(a) of the Anadromous Fish Conservation Act (16 U.S.C. 757d(a)) is amended—

(1) by striking paragraphs (1), (2), (3), (4), (5), and (6);

(2) by redesignating paragraph (7) as paragraph (1); and

(3) by adding at the end the following:

"(2) $8,000,000 for each of the fiscal years 1990, 1991, and 1992.".

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101st CONGRESS
1st Session

H. R. 1225

To authorize appropriations to carry out the Interjurisdictional Fisheries Act of 1986 through fiscal year 1992.

IN THE HOUSE OF REPRESENTATIVES

March 1, 1989

Mr. Studds (for himself, Mr. Jones of North Carolina, and Mr. Young of Alaska) introduced the following bill; which was referred to the Committee on Merchant Marine and Fisheries

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A BILL

To authorize appropriations to carry out the Interjurisdictional Fisheries Act of 1986 through fiscal year 1992.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 308 of the Interjurisdictional Fisheries Act of 1986 (16 U.S.C. 4107) is amended—

(1) in subsection (a) by striking "fiscal years 1987, 1988, and 1989." and inserting "the fiscal years 1989, 1990, 1991, and 1992.";

(2) in subsection (b) by striking "fiscal years 1988 and 1989," and inserting "the fiscal years 1989, 1990, 1991, and 1992,"; and

(3) in subsection (c) by striking "fiscal years 1988 and 1989" and inserting "the fiscal years 1989, 1990, 1991, and 1992".

○

TESTIMONY OF
JAMES W. BRENNAN
ASSISTANT ADMINISTRATOR FOR FISHERIES
NATIONAL MARINE FISHERIES SERVICE
NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION
U.S. DEPARTMENT OF COMMERCE

BEFORE THE

SUBCOMMITTEE ON FISHERIES AND WILDLIFE
CONSERVATION AND THE ENVIRONMENT
COMMITTEE ON MERCHANT MARINE AND FISHERIES
U.S. HOUSE OF REPRESENTATIVES

MARCH 16, 1989

Mr. Chairman and Members of the Subcommittee:

My name is James Brennan, and I am the Assistant Administrator for Fisheries, National Oceanic and Atmospheric Administration, in the Department of Commerce.

I appreciate the opportunity to present the views of the Department of Commerce on H.R. 1223, H.R. 1224, and H.R. 1225.

H.R. 1224 would reauthorize the Anadromous Fish Conservation Act, which was first passed by Congress in 1965. In the ensuing 23 years, a total of $53 million has been provided to the coastal and Great Lakes States to support projects on anadromous species. These Federal funds, matched by funds from States and other non-Federal entities, have been directed largely at resources experiencing the most severe problems.

It is now appropriate for the citizens of the States within which these fish spawn to assume greater responsibility for those projects heretofore conducted under Pub. L. 89-304. Therefore, the Department of Commerce does not support the continuation or reauthorization of the grant provisions of either Section 4 or Section 7 of the Anadromous Fish Conservation Act.

H.R. 1225 would reauthorize the Interjurisdictional Fisheries Act of 1986 (Title III of Pub. L. 99-659). Many of its provisions are similar to those of the recently repealed Commercial Fisheries Research and Development Act (Pub. L. 88-309). It provides formula grants to State fisheries agencies responsible for managing the commercial fishery resources under State jurisdiction. Therefore, for the reason similar to that stated with respect to the Department's position on Pub. L. 89-304, we also do not support reauthorization of the grant program authorized by Pub. L. 99-659.

H.R. 1223 would reauthorize the National Oceanic and Atmospheric Administration Marine Fisheries Program Authorization Act. The Act authorizes appropriations in three program areas: information collection and analysis, conservation and management operations, and State and industry assistance. The Department supports reauthorization of this program at the funding level contained in this year's budget submission. The Department plans to submit a reauthorization proposal to Congress in the near future. The authorization of appropriations covered by this legislative proposal is based on President Reagan's FY 1990 budget request, and is included in the residual freeze category of President Bush's FY 1990 budget plan. Final decisions concerning programs in this category are to be determined through negotiations between the Bush Administration and the Congress. Accordingly, this proposal may need to be revised to reflect the results of such negotiations.

Mr. Chairman, this concludes my prepared statement, I would be happy to answer any questions you may have.

STATEMENT OF GARY B. EDWARDS, ASSISTANT DIRECTOR - FISHERIES, U.S. FISH AND WILDLIFE SERVICE, DEPARTMENT OF THE INTERIOR, BEFORE THE SUBCOMMITTEE ON FISHERIES AND WILDLIFE CONSERVATION AND THE ENVIRONMENT, HOUSE COMMITTEE ON MERCHANT MARINE AND FISHERIES, CONCERNING H.R. 1224, TO REAUTHORIZE APPROPRIATIONS FOR THE ANADROMOUS FISH CONSERVATION ACT

March 16, 1989

Mr. Chairman and members of the Subcommittee, I appreciate this opportunity to testify on H.R. 1224, to reauthorize appropriations for the Anadromous Fish Conservation Act.

For the purposes of conservation, development, and enhancement of anadromous fish, section 1 of the Act authorizes cost-sharing agreements between the Federal Government (both the Departments of Commerce and the Interior) and the States, Tribes, and other non-Federal interests.

The authorization of appropriations in section 4 of the Act expires September 30, 1989, and H.R. 1224 would extend the authority for 3 years, through Fiscal Year 1992, at the current level of $8 million annually.

The Act defines anadromous fish to include such species as salmon, steelhead trout, striped bass, shad, sturgeon, and fishes of the Great Lakes and Lake Champlain that ascend streams from the ocean or Great Lakes to spawn. Program activities include construction, operation, and maintenance of fish passage and production facilities. The Act also authorizes grants for fishery research, fish stock assessment, fishery management planning, and fishery project coordination.

For Fiscal Year 1989, Congress appropriated $1.5 million to the U.S. Fish and Wildlife Service for this program, about the same amount as in Fiscal Years 1986-1988. This will provide funding for approximately 26 projects in 14 eligible jurisdictions along the Atlantic, Gulf, and Pacific coasts, the Great Lakes, and Alaska.

Grantees representing single-state projects receive up to 50 percent Federal funding for eligible projects. Those participating in multi-state cooperative projects may receive up to 66 2/3 percent. In 1983, the Act was amended to provide up to 90 percent Federal funding for projects implementing cooperative interstate anadromous fish management plans developed by the Atlantic States, Gulf States or Pacific Marine Fishery Commissions.

Enactment of the Anadromous Fish Conservation Act on October 30, 1965, teamed the Federal Government with the States and others to rebuild and, where possible, to extend the Nation's anadromous fish resources, which were then at extremely low levels. Historically, these resources have not been able to compete successfully with the development (for power, irrigation, flood control, etc.) of rivers in which they reproduce. Federal, State, and private water development projects blocked fish passage both upstream and downstream; pollution made many streams inhabitable, and logging and road building destroyed or blocked once productive areas.Since enactment in 1965, the Act's grant program has stimulated State activity, including increased interstate cooperation, in the management of interjurisdictional anadromous fishery resources. Some significant accomplishments since the Act was reauthorized in 1986 include the following:

> On the Pacific coast, California continues research and survey activities related to restoration of salmon and steelhead trout to the Klamath/Trinity river system. Oregon and Washington are seeking to increase regional salmon production by cooperatively developing, refining and evaluating techniques for salmon and steelhead trout culture. Idaho has undertaken improvements to fish passage facilities and increased its coordination activities. Alaska is undertaking the restoration and enhancement of salmon in the Ketchikan area and in Tustumena Lake.
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> In the Great Lakes, Minnesota is reestablishing lake sturgeon in the St. Louis River estuary and improving the quality of salmon pre-smolts released from their culture facilities. Wisconsin has begun development of spawning runs on the Oconto River and initiated enhancement and evaluation of a steelhead trout fishery in Lake Michigan. Michigan, in cooperation with Indiana, is developing an anadromous fishery program for the St. Joseph River, including provision of fish passage facilities to allow for upstream migration.
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> In the Gulf of Mexico, Alabama and Mississippi have been working jointly to restore runs of striped bass in coastal streams and estuaries, including Mobile and Perdido Bays and the Biloxi and Pascagoula Rivers. Texas has begun striped bass restoration and enhancement efforts in its waters.
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> On the Atlantic coast, broad cooperation in the restoration and management of interjurisdictional anadromous fish is highlighted by efforts directed at coastal migratory striped bass stocks. Through the auspices of the Atlantic States Marine Fisheries Commission, comprehensive, coordinated and effective research and management efforts to restore these important stocks have been undertaken by 12 States, the Potomac River Fisheries Commission, the District of Columbia, and the two Federal fishery agencies over the past several years. South Carolina, North Carolina, and New York use funds provided under this authority to support their efforts to monitor and evaluate the status of striped bass stocks under their jurisdiction.

> New York also is enhancing the Hudson River American shad population and developing management data for this species. The State of Maine continues its efforts to restore Atlantic salmon to its rivers and is upgrading important passage facilities required by this species. Existing fish ladders are also maintained on several salmon rivers.

These examples of accomplishments under the anadromous fish grant-in-aid program do not tell the complete story, but they do illustrate the breadth and scope of problems that have been addressed. Given this success, it is now appropriate for the States to assume greater responsility for these projects.

One of the objectives of the Anadromous Fish Conservation Act grant program was to encourage interstate cooperation in the management of anadromous fish resources that migrate through and fall under the jurisdiction of two or more States at different stages of their life cycle. A number of commissions, compacts and other entities have been created that serve to ensure interjurisdictional cooperation.

For these reasons, the Administration does not support H.R. 1224.

Thank you again, Mr. Chairman, for the opportunity to present our views. I will be pleased to respond to questions.

TESTIMONY OF

ROBERT A. JONES,
DIRECTOR, BUREAU OF FISHERIES, STATE OF CONNECTICUT
and
CHAIRMAN, ATLANTIC STATES MARINE FISHERIES COMMISSION

to

THE SUBCOMMITTEE ON FISHERIES AND WILDLIFE CONSERVATION
AND THE ENVIRONMENT

March 16, 1989

Mr. Chairman and members of the Subcommittee, my name is Robert A. Jones and I am the Director of Fisheries for the State of Connecticut and the Chairman of the Atlantic States Marine Fisheries Commission (ASMFC). In addition I serve as the Vice Chairman of the Connecticut River Atlantic Salmon Commission, a compact of the four New England states sharing the Connecticut River. I appreciate the opportunity to present the following testimony for the State of Connecticut and these two compacts in which we enjoy membership.

All fifteen member states of the ASMFC wish to be on record as unanimously and strongly in favor or reauthorization of the Anadromous Fisheries Act (H.R. 1224), The Interjurisdictional Fisheries Act of 1986 (H.R. 1225) and the National Oceanic and Act (H.R.1223). The Connecticut River Atlantic Salmon Commission strongly endorses the reauthorization of the Anadromous Fisheries Conservation Act.

The Anadromous Fisheries Conservation Act has been the keystone of the conservation, preservation and restoration of those species whose life cycle makes them especially vulnerable to man's disturbance of their unique environmental needs. On the Atlantic Coast these fishes include the highly esteemed striped bass; four economically important herring species, the American shad, hickory shad, and the alewife and blueback (river) herring; the Atlantic sturgeon; and the legendary Atlantic salmon. With the exception of the Atlantic salmon all of these species are included in the ASMFC fisheries management program for which interstate management plans have been or are being developed and implemented. The Connecticut River Atlantic Salmon Commission, by state legislative action and Congressional consent, manages the cooperative restoration of this species in the Connecticut River.

Some examples of the important work being accomplished with the assistance of funds from this program include the following. Georgia has partially funded assessment and biotelemetry studies of Atlantic sturgeon. These projects serve as a foundation for ASMFC's Atlantic sturgeon management plan development, now underway. South Carolina has utilized funding from this program to develop a long term data base needed to assess the status of American shad stocks in order to facilitate the management of this species. The long term monitoring to establish trends in stock abundance is emphasized in the ASMFC Shad and River Herring Fisheries Management Plan, a cooperative interstate effort.

North Carolina has an equally ambitious program supported in part by Anadromous Fisheries Conservation Act funds. Their striped bass project involves the monitoring of juveniles and adults in the Albemarle Sound/Roanoke River system and the evaluation of coastal area stocking of juvenile striped bass. The resulting data are being used in the revision of the ASMFC

Striped Bass Management Plan. In the area of Chesapeake Bay, both Maryland and Virginia depend on this funding source to help support research and monitoring programs vital to the interstate management of striped bass, American shad and river herrings.

New York's programs utilizing Anadromous Fisheries Act funding has been essential to the interstate management of striped bass and shad and river herring. With the Hudson River being the major producer of striped bass under present circumstances, New York's investigations into movement and growth and juvenile recruitment indices of Hudson River bass and their work on the biological characteristics of ocean stocks are essential to the overall management of striped bass on the Atlantic coast.

In my own state of Connecticut we have pursued a long term research and monitoring program for American shad with the aid of Anadromous Fisheries Conservation Act funds and our work has become the standard for other assessment and management programs for this species all along the coast. Connecticut and Massachusetts have been able to undertake investigations of both Atlantic and the endangered shortnose sturgeon with the assistance of these funds. In Massachusetts, the emergency striped bass add on has allowed for the gathering of stock status and catch statistics in that state. Their most recent effort will be a hook and release mortality study of striped bass, the information from which will be essential to future coastal striped bass management which will undoubtedly include large minimum sizes and low catch limits.

The Connecticut River basin states (Connecticut, Massachusetts, Vermont and New Hampshire) have enjoyed a long history of assistance for their efforts to restore both American shad and Atlantic salmon to New England's largest river. The program, which in 1978 produced the first return of an adult Atlantic salmon to that river in over 100 years and which has allowed the return of American shad to their historical spawning grounds in the River for the first time since 1794, has depended from its first inception on the partial funding made available by the Anadromous Fisheries Conservation Act funds.

The Interjurisdictional Fisheries Act of 1986, as a replacement for and an extension of the Aid to Commercial Fisheries Act, P.L. 88-309, has become in its short history an important source of assistance to the cooperative management of coastal stocks of significant importance to the nation. The following examples of the programs made possible by this Act will demonstrate the need for reauthorization.

In Virginia, a survey of commercial fishing effort and the collection of harvest statistics are made possible by support from this Act. Maryland has utilized its apportionment of these funds to maintain their state-of-the-art fishery statistics and monitoring data base. Data base information of coast wide benefit includes fisheries landings statistics, juvenile recruitment survey data, and American Shad and adult striped bass stock assessment data. In Georgia, management decisions on estuarine and near shore crustacean populations effecting fishermen throughout the South Atlantic are based on research and monitoring programs partially funded by Interjurisdictional funds.

In North Carolina, a single Interjurisdictional Act project monitors commercial fisheries for species and size composition, year class composition and fishing effort. Information from this project is utilized extensively for interjurisdictional fisheries management planning by the South Atlantic, Mid Atlantic and New England Fishery Management Councils as well as by the Atlantic States Marine Fisheries Commission. Species included in this program are summer flounder, bluefish, weakfish, spot, croaker, snappers, groupers, king mackerel, black sea bass, red drum, spotted sea trout and others. In South Carolina the incidental catch of mackerel by shrimp trawlers is being studied as an adjunct to the South Atlantic Fishery Management Council's management plans for both species. South Carolina will be collecting commercial fisheries landings and biological data on many offshore species of interest to the South Atlantic Council.

Massachusetts conducts a commercial catch and effort data collection and analysis program and a ground fish stock assessment program with the aid of Interjurisdictional Act funding. Both of these programs are of continuing value to the New England Fishery Management Council in its effort to manage the groundfish resources of the Gulf of Maine and to the National Marine Fisheries Service in its data collection program. In addition Massachusetts has instituted a program unique to marine fisheries, at least in the Northeast -- a program which focuses on public resource education, conservation engineering, and two way communication between interjurisdictional fisheries managers and the resource user groups.

Both Connecticut and New York utilize their Interjurisdictional Act apportionments to monitor and investigate various aspects of the biology of the American lobster, a species under management by both the New England Fishery Management Council and the Atlantic States Marine Fisheries Commission. Rhode Island's interjurisdictional program includes a finfish resource assessment project of extreme value to the management of southern New England's commercial fishery. They have also instituted a law enforcement program in cooperation with the National Marine Fisheries Service.

The Atlantic States Marine Fisheries Commission utilizes its share of the Interjurisdictional Act funding to support the efforts of its various member states in the development and monitoring of fishery management plans for northern shrimp, bluefish, striped bass, sturgeon, shad and river herring, menhaden and Atlantic herring. In addition, vital cooperative work is done under this program by the Commission in interstate shellfish transport and Northeast and Southeast cooperative (states and NMFS) commercial fisheries statistical data base development.

A question that has been asked and one which I am sure will continue to be asked is why the states cannot utilize their respective Dingell-Johnson/Wallop Breaux funding for these programs. In most instances the species or programs involved are clearly relevant only to commercial fisheries and are therefore ineligible for DJ/WB funding. In certain instances the states have developed a rational mix of funding from all sources, state DJ/WB, Anadromous and/or Interjurisdictional Fisheries, in order to respond to the priorities of their state constituents and to those of the region and nation.

It has not been my intention in these comments to describe all of the programs on the east coast which depend on Anadromous Fisheries Act or Interjurisdictional Act funds. What I have attempted is to describe those programs which are examples of the types of activities that we believe benefit fisheries of the nation. Southern shrimp, American shad and American lobsters are resources of this nation as well as that of the states which manage them. Atlantic salmon restoration has nearly as many supporters in Texas as it has in Connecticut. As national resources, we believe that it is necessary that research and management of these species be a national priority and we believe that it is entirely fitting that assistance for this important work be provided by these two Acts.

We understand that the NOAA Marine Fisheries Program Authorization Act provides NOAA with additional authority for the funding of research and data collection. In this day of a continuing erosion of funding levels for the work of NOAA and the National Marine Fisheries Service, we support this reauthorization.

Thank you again for the opportunity to make these comments.

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March 13, 1989

Honorable Gerry E. Studds
Chairman
Subcommittee on Fisheries and Wildlife Conservation
and the Environment
Room 543, House Annex II
Washington, DC 20515

Re: FY90 Reauthorization of
the Anadromous Fish Conservation Act ("Anadromous Act"),
the Interjurisdictional Fisheries Act ("IJFA"), and
the NOAA Marine Fisheries Program Authorization Act

GNT

Statement of:

Guy N. Thornburgh, Executive Director
Pacific Marine Fisheries Commission
Portland, OR

Mr. Chairman, the Commission urges decisive action by your subcommittee to maintain full support of the grant-in-aid programs, and thereby assure continuity of the state/federal partnership which contributes significantly to the well-being of our Nation's fisheries. We offer the following arguments in support of this position.

We believe that the issue of continued Federal participation with the states in these long-standing cooperatively funded programs is truly critical to the future of regional fishery management. Under the grant-in-aid Acts, our states have developed the capabilities and the commitments necessary for effective interaction with Federal agencies and with the Regional Fishery Management Councils to carry forward fishery monitoring, data collection and analysis, and research programs which are essential to coordinated conservation and management of shared fishery resources.

The Administration proposes to scrap the very programs which help make the cooperative system work. Given a budget crunch, the Administration seems inclined to sacrifice its "pass-through" funds first in order to protect its in-house

"Promoting Marine Fisheries and Marine Resource Management"

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program funding and its staff positions. However, we believe the Administration has a short-sighted and erroneous view that the grant-in-aid programs are expendable, that the benefits of the programs accrue largely to the states and that the states should assume greater responsibility for these projects.

We cannot believe that it makes good economic sense in 1990 to abort the cooperative programs we have worked so hard to build, and thereby sacrifice the gains achieved to date and the future benefits of well managed fisheries.

We point out below how the states currently contribute as much, if not more than the Federal government to Pacific ocean fisheries management; how the fisheries involved with grant-in-aid funds are regional fisheries with clear federal responsibility; and how the value of the fisheries are national in nature, not just local.

There exists a distinct and very effective federal/state partnership along the west coast, from California to Alaska. It has taken several decades to develop this partnership, conceived by the need to manage interjurisdictional fishery resources, spurred by the Magnuson Act's declaration of Federal responsibility, and catalized from the beginning with financial support from the grant-in-aid projects.

This partnership established three types of fisheries based on the jurisdictional roles of the Federal and state management agencies: (1) Those fisheries which are solely within state waters and whose management is regulated and funded by the states (e.g. clams and oysters); (2) Those fisheries which are interjurisdictional and are now managed by state regulations, yet were once considered by the Regional Councils for management (except that insufficient time and dollars forced the Councils to relegate the management responsibility and most of the financial burden to the states, e.g. Dungeness crab, king crab, herring, thresher shark, shrimp); and (3) Those fisheries regulated by the Regional Councils but with complimentary state regulations, cooperative data exchange and some financial commitment by the states (e.g. salmon from California through Southeast Alaska and groundfish from California through the Bering Sea).

This well established partnership clearly defines state/federal roles; assures that all fisheries are managed; avoids unnecessary and costly duplication; relies on a significant state commitment (investments in personnel, facilities and funds); and is dependent on the grant-in-aid Acts.

The states' share in this partnership is by no measure small. For example, when funding information was compiled by the Commission in 1986, it was shown that of the $54 million spent for research in support of interjurisdictional fishery management, half was discretionary monies by the states and the other half by federal agencies. Keep in mind that the success of the west coast state fisheries efforts is in part due to the fact that these states already have commercial and recreational licenses plus commercial landing fees.

Grant-in-aid programs currently underway contribute much of the day-to-day collection and analysis of fisheries data which are used directly for inseason management of interjurisdictional fisheries such as salmon, groundfish, crab and herring; for biomass estimates to help determine optimum yields; and for aiding the identification and separation of stocks which is so important in decisions affecting allocations of resources between user groups.

The Commission itself is using the funds under Section 308(c) to prepare management plans for the EEZ thresher shark fishery off the Pacific coast and for the state/EEZ rockfish fishery off Southeast Alaska.

Our thresher shark program requires a mandatory, onboard observer program to collect information not only on sharks, but also on by-catches of marine mammals and other living marine resources (this program is now required under the new MMPA amendment). The rockfish program is developing a plan that will sustain the year-round supply of fresh fish by limiting the effort in the fishery. Both of these projects involve EEZ fisheries. The Commission is involved because the work needs to be done but the Regional Councils are fully employed in other fisheries.

Mr. Chairman, the west coast state/federal partnership is a model system - it benefits the nation by reducing costs, avoiding interjurisdictional conflicts and achieving high yields of fishery products which generate considerable tax revenue to the states and the nation.

Our coastal states began using grant-in-aid funding for interjurisdictional fisheries even before Congress changed the Commercial Fisheries Research and Development Act of 1964 into the IJFA. We spend all of our grant-in-aid funds on either Regional Council fisheries or those fisheries which the Council once considered for management but delegated to our states. Matching federal funds with the considerable state investment gets the job done, and done well, for fisheries of interest to the nation.

If the grant-in-aid programs are discontinued we face the irretrievable sacrifices of past investments in projects now on-line; the inevitable shortfalls in our abilities to meet data needs and research requirements of existing Federal regional fishery management plans; similar shortfalls in programs for interjurisdictional fisheries managed by the states (even though they occur in the Federal EEZ); and the destruction of the spirit of federal/state cooperation which has been built so carefully through the years by these programs.

Even the continued erosion of funding through annual reductions and inflation is jeopardizing the program. In FY86 the Commerce Department budget contributed about $3½ million in grants to west coast states. The current year budget provides $2½ million which translates into a spending power of only one half of the level in FY86. Yet, the fisheries of the EEZ are now fully americanized, the demand for equitable allocations (in salmon, groundfish, halibut etc.) are greater; and the insistence on more and better fisheries information by scientists, fisherman, environmentalists and regulators continues to escalate. Meanwhile the federal share of funding the partnership through the grant-in-aid programs declines.

Surely there are better ways to stabilize budgets than to jeopardize strong cooperative programs such as these at the sacrifice of dollars already invested; at the risk of losing a model partnership in state/federal management; and at the cost of highly cost-effective future benefits at the regional and national level.

We strongly urge that you reaffirm Congressional intentions to increase the United States share of benefits from west coast fisheries resources by continuing the current authorization of these grant-in-aid programs.

The NOAA Marine Fisheries Program Authorization Act provides the authority for appropriating funds necessary to operate NOAA fisheries. We also support reauthorization of that act.

Thank you for the opportunity to comment.

Sport Fishing Institute

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COMMENTS OF THE SPORT FISHING INSTITUTE
ON
H.R. 1224 - A BILL TO REAUTHORIZE THE ANADROMOUS FISH CONSERVATION ACT
AND
H.R. 1225 - A BILL TO REAUTHORIZE THE INTERJURISDICTIONAL FISHERIES ACT OF 1986

Before the
Subcommittee on Fisheries and Wildlife
Conservation and the Environment of the
House Committee on Merchant Marine
and Fisheries

by

Norville S. Prosser
Vice President

Sport Fishing Institute
March 16, 1989

The National Non-Profit Fish Conservation Organization

Mr. Chairman and members of the Subcommittee, my name is Norville S. Prosser, I am Vice President of the Sport Fishing Institute (SFI). On behalf of SFI I want to thank the Subcommittee for the opportunity to appear today to present our views regarding H.R. 1224, a bill to reauthorize the Anadromous Fish Conservation Act and H.R. 1225, a bill to reauthorize the Interjurisdictional Fisheries Act of 1986.

SFI is a non-profit, tax exempt, broadly-based conservation organization, staffed entirely by fisheries scientists and economists. The Institute's programs are devoted to the protection, enhancement, and wise utilization of America's freshwater and marine aquatic resources, especially the fish populations and their essential habitats. Our principle objective, by means of a program of ecological research, conservation education, and professional service, is to help develop and promote optimum opportunity for Americans to engage in healthful and rewarding recreational fishing. Our financial support comes from a broad range of sport fishing industry members that depend upon the conservation and expansion of our nation's aquatic resources for their livelihood and from thousands of anglers and other concerned citizens.

ANADROMOUS FISH CONSERVATION ACT OF 1965

In creating the Anadromous Fish Conservation Act (AFCA) in 1965, Congress was guided by concern over direct conflicts between healthy anadromous fisheries which must have free access to free-flowing streams and rivers to complete their life cycles, and the adverse impacts of federal and state activities within such streams such as the development of hydropower, irrigation, and navigation systems. It is important to understand that Congress also specifically intended this federal-state partnership to contribute to the conservation and enhancement of anadromous fish resources with respect to our nation's international conservation agreements for such stocks, and for purposes of enhancing the Great Lakes anadromous fisheries.

The partnership that was created between the federal and state governments by the AFCA has provided the critical research and management necessary to enhance anadromous fish and has resulted in viable improvements in interstate management ventures. The Act's focus on multiple-state, coordinated activities for shared anadromous stocks was a uniquely valuable contribution.

The sport fishing industry has consistently supported the AFCA and the federal/state partnership program that the Act has created. Our interest and support originates in the knowledge that the highly popular anadromous species that are benefited by this research and habitat improvement grants program (salmon, striped bass, steelhead trout, shad, sturgeon, and others), attract an enormous amount of recreational fishing and generate considerable economic activity. In 1985, anadromous stocks of salmon, steelhead trout, and striped bass supported over 73,000,000 angler days according to Department of Interior statistics. In that same year, the U.S. Fish and Wildlife Service estimated that recreational fishing for anadromous fish had been increased by an estimated 9,000,000 angler days annually as a direct result of investments in the AFCA. Data from a University of Maryland study indicated that a day of striped bass fishing had an economic value of $50 to over $220 in 1985. A day of salmon fishing in saltwater has been shown to have an economic value of $40 to $100, according to studies undertaken on the east and west coasts. Using the most conservative estimate of a day of anadromous - species targeted sport fishing, ($40), the 1985 trips targeting these species were worth $2.92 billion. Similarly, the annual increase in angler days resultant from the AFCA (9,000,000) have an annual economic value of $360 million. These figures reflect that a modest federal investment in anadromous fisheries under the AFCA has returned great dividends.

There is in place an expanded user-fee program under the Federal Aid in Sport Fish Restoration Program (Wallop-Breaux Trust Fund) to address the fishery conservation and enhancement requirements of the fee-paying angling and boating public. Some have suggested that with this new funding source, funding of the AFCA is no longer justified. However, it does not follow that the Wallop-Breaux recreational user-fees should be diverted to supplant general appropriations which were authorized specifically to address federal government responsibilities under international agreements and the resolution of adverse habitat alterations such as instream water developments. The two programs are distinctly different and both are needed.

Like others, we are interested in making the absolute best use of the funding that has been made available by Congress under the authority of the AFCA. We believe these funds should be used primarily to initiate new work of importance to anadromous fishery restoration and enhancement. We support, in concept, the suggestion that long-term funding of individual projects using this limited funding source should be viewed as lower priority. It is also important to focus the Section 4 AFCA Grants Program on meeting responsibilities that truly belong to the federal as well as state government.

The AFCA continues to provide valued assistance to the states. Unfunded requests from states for AFCA funding support reached $3.7 million in 1989, the second highest level on record of unfunded requests under the Act. Unfortunately, the Administration is again seeking zero funding for the AFCA's grants program for fiscal 1990. SFI is not seeking increases over recent levels of funding for the Act, although such action is warranted, but we have testified in support of continued funding at recent levels for the Act for both the Fish and Wildlife Service and National Marine Fisheries Service.

Our nation today is more committed, through treaties on anadromous fish stocks on both East and West coasts, than at any time in our history. Our Great Lakes anadromous stocks, of such tremendous economic and social value in the 1970's and early

1980's, are facing serious disease, water quality, and prey problems, and declining stocks and harvests are the order of the day. Our natural resource agencies are embattled as never before in efforts to prevent new migration barriers on anadromous rivers and to obtain corrective facilities at existing blockages. Now is not the time to terminate funding for the Anadromous Fish Conservation Act. The Sport Fishing Institute supports reauthorization of the Act as contained in H.R. 1223.

INTERJURISDICTIONAL FISHERIES ACT OF 1986

The complexity of managing fisheries which migrate among management jurisdictions presents many complex problems. Continuing problems with interjurisdictional fisheries management are often associated with dissimilar and uncoordinated regulations. Management becomes increasingly difficult in these situations, especially when allocation of declining stocks leads to controversy, exacerbating the potential for conflict.

Identification of problem areas is the first step in accomplishing an overall plan for pre-crisis intervention. Coordinated fishery research is crucial in this regard. Fishery research among jurisdictions should be coordinated and monitored to address highest priority questions and to avoid duplicity of efforts and maximize benefits from research dollars and cooperation among the States.

Under the provisions of the Commercial Fisheries Research and Development Act of 1964, the federal government provided matching funds for state research and development of commercial fisheries. Projects supporting aquaculture production, the construction of fish culture, fish landing and research laboratory facilities, extension services, fishing vessels, and seafood marketing were subsidized under the old provisions. Under its reincarnation as the Interjurisdictional Fisheries Research Act of 1986, the emphasis has been shifted from assisting state fisheries development to encouraging interstate management projects. The interest of the Sport Fishing Institute is in meeting critical national research needs associated with interjurisdictional fisheries resources. Our consultations with the states and Commissions have convinced us that research on stocks of importance to our interests are being well served by the Interjurisdictional Fisheries Act of 1986. As examples, I would note that states use these funds for monitoring of harvest, effort, age and size information for many species of importance to recreational and commercial fisheries. This information is used by the councils, commissions and states to afford improved regulation regimes.

The Interjurisdictional Fisheries Act of 1986 has proven to be most helpful in the vital studies of stock dynamics; studies that are absolutely essential to the management of shared fisheries. SFI supports reauthorization of the Interjurisdictional Fisheries Act and urge your support of H.R. 1225.

TESTIMONY OF THE
GULF STATES MARINE FISHERIES COMMISSION

Presented By
Larry B. Simpson
Executive Director

to

THE SUBCOMMITTEE ON FISHERIES AND WILDLIFE,
CONSERVATION AND THE ENVIRONMENT

March 16, 1989

Mr. Chairman and members of the Subcommittee, my name is Larry B. Simpson. I am the Executive Director of the Gulf States Marine Fisheries Commission. The commission is composed of the five gulf states of Texas, Louisiana, Mississippi, Alabama, and Florida.

I appreciate the opportunity to present the comments of the Gulf Commission concerning H.R. 1225, H.R. 1224, and H.R. 1223, reauthorization of the Interjurisdictional Fisheries Act of 1986, the Anadromous Fish Conservation Act, and the NOAA Marine Fisheries Program Act, respectively.

The gulf states support the reauthorization of the Interjurisdictional Fisheries Act (IJF) and Anadromous Fish Conservation Act. These state matching fund programs have provided the states with a long term sustained source of funds to stimulate scientifically based management of the nation's marine and anadromous fishery resources. Because of a permanent staff of highly trained and skilled experts in various disciplines employed by the states, we have been able to enhance our knowledge and greatly increase our ability to implement scientifically sound management for fisheries under our jurisdictions. This expertise became valuable not only in management of fisheries in the territorial sea but also in assisting with the development of fishery management plans for the Exclusive Economic Zone (EEZ) under Federal jurisdictional authority.

It is important to keep in mind that products derived from marine resources are items not only of interstate but also national and international trade. The nation as a whole benefits from proper management, therefore the Federal Government justifiably should contribute funds with the states to help insure their well being.

Marine fisheries conservation and management is divided into two areas of authority: the states and the Federal Government. The states' authority extends out three miles from their borders (10 miles in Texas and west coast of Florida). The states' territorial sea and inland waters are the spawning and/or nursery areas for 98% of the species used for recreational and commercial purposes in the Gulf of Mexico. It is critical that marine programs for the Federal and state waters be accomplished in close cooperation and coordination with the states. A substantial State/Federal partnership must exist if homogeneous management of fisheries common among the states and the EEZ is to be attained. The fishery management councils in themselves do not have the resources to conduct extensive research and data collection programs. The data upon which management plans are devised and implemented can come only from the states and the National Marine Fisheries Service (NMFS).

Past statements made by the Department of Commerce erroneously conclude that the benefits from this program accrue largely to the individual states, and therefore, total funding responsibility should be transferred to the states. This is incorrect because:

1) states already invest considerable sums in fishery research;

2) states cannot shoulder the entire financial burden - nor should they, because these resources are of national interest; and

3) states are not the only beneficiaries, because the regional fisheries councils established under the Magnuson Act have confirmed the importance of these programs in contributing to improved data and management related research.

The current legislation, Title III P.L. 99-659, the Interjurisdictional Fisheries Act of 1986, has as its purpose the national objective of managing priority interjurisdictional fishery resources throughout their range. The states have committed these funds to that purpose. Programs currently underway include law enforcement efforts and collection of important length/ frequency data on recreationally caught fish; coast-wide fisheries monitoring to obtain fisheries independent data for management of important crustacean and molluscan resources; collection of salinity, water temperature, and other important environmental parameters are measured and correlated to size and abundance of the important species; to name a few. In the state of Louisiana, this program contributes data to a 25 year old running data base for shrimp which is extremely valuable to the Gulf Regional Council as well as state decisions on shrimp.

The state of Texas recommends the apportionment formula under Section 304(b) be modified to credit the state off which commercial fishery resources are "harvested" with those amounts "landed" in another state. Currently the apportionment formula is based on "landed" fishery resources regardless of where it was "caught."

We recommend reauthorization of the act and authorization of funding at $5,000,000 for fiscal years 1990, 1991, and 1992.

The separate authority and funding (Section 308[c]) for the three interstate commissions is also strongly supported for reauthorization and funding.

Texas, Louisiana, Mississippi, Alabama, and Florida formed the Gulf States Marine Fisheries Commission in 1949 with an act of Congress (P.L. 81-66) to promote and enhance development and conservation of the valuable fisheries resources of the gulf. The commission is comprised of three representatives of each of the five Gulf of Mexico states. The head of each state's marine resources department is given automatic membership. In addition, a state legislator from a coastal county and a private citizen knowledgeable and interested in marine fisheries are appointed by the governor, the latter with the advice and consent of the state senate.

The general goals of the commission are: (1) to further cooperation between the states; (2) to improve public education in fisheries matters; (3) to sponsor joint studies of particular interest to the states, such as regional fisheries management plans; and (4) to encourage uniform legislation for fisheries of common concern.

At present the waters of the five member states produce about 75% of the nation's shrimp, 60% of the nation's oysters, and 40% of the nation's finfish. This last year saw a 623,700 metric ton harvest of gulf menhaden for fishmeal that was widely used in our nation's agriculture. The blue crab harvest from the gulf is expected to surpass that of the Chesapeake, the traditional leader. In addition, an estimated four million sport fishermen enjoy the recreational benefits of the gulf waters each year spending approximately 40% of the nation's total recreational expenditures in the gulf alone.

While the commission has no specific regulatory powers, management regulations made in fisheries management plans are sent to the governors and legislatures of member states. The consensus approach inherent in interstate fisheries management is a dynamic process and allows states to participate with certain knowledge that their concerns and interests will be accommodated in a true spirit of compromise. State participation in most commission deliberations is thus both active and open.

In addition, the commission advises and testifies before the U.S. Congress on legislation that may affect the gulf states and their respective fisheries, as we are doing today.

The commission has been a leader in coordinating marine fisheries management among the gulf states. Since all the significant marine resources, both commercial and recreational, are interjurisdictional, interstate fisheries management plans have become the corner stones of wise conservation and allocation. These management plans have focused on a review of the condition of the fishery under consideration and have addressed topics that are essential to interstate management of common fisheries resources such as differing regulations, conflicting economic goals, and competing harvest methods.

Under the Interjurisdictional Fisheries Act, the Gulf States Marine Fisheries Commission has designated and prioritized important fisheries. The planning effort has involved the accumulation of data on the biology, harvest, sociology, and economic status of the several fisheries in the Gulf of Mexico, and the application of these data to the formulation of management measures throughout the gulf. Technical task forces composed of experts in biology, sociology, and economics have been organized to draft fisheries management plans.

To date, a fishery management plan for menhaden, the countries most voluminous fishery, has recently been completed. This is the third edition to this management plan and is one of the most successful interjurisdictional plans in the country. The plan was completed rapidly under the Interjurisdictional Fisheries Act for a modest cost. As late as two weeks ago, I testified before the Louisiana

Department of Wildlife and Fisheries Commission concerning proposed state menhaden regulation changes, and I utilized this updated plan as the source of my comments.

A blue crab fishery management plan is very close to completion. This fishery is exceptionally complex as several different life stages of the blue crab from plankton to adults migrate across different state and Federal jurisdictions. Harvesting and processing have served as a valuable source of employment for oil industry workers during periods of economic difficulties and for newly arrived Asian immigrants.

Work has begun on an oyster fishery management plan with completion scheduled for the end of this calendar year. This is the first regional management plan for this important fishery that provides needed employment and that has unique problems in tenure of the resource and in public health concerns. The gulf oyster fishery occurs within both state and Federal waters.

The next gulf interstate fishery management plan initiative will focus on black drum, a species that is becoming increasingly important to both recreational and commercial fisheries, especially since commercial restrictions have been imposed on red drum.

We recommend reauthorization of Section 308(c) and authorization of funds up to $500,000 to be divided equally among the three commissions for FY1990, 1991, and 1992.

The gulf supports the reauthorization of the Anadromous Fish Conservation Act. The majority of money for this act is given to the West Coast and East Coast states. The gulf portion is modest, however, vitally important to our activities on anadromous resources. The Gulf Coast has experienced increased fishing effort, urban and rural pollution, loss of desirable habitat, and diminished stream velocity due to dams. There is no commercial fishery at this time for striped bass in the Gulf of Mexico. The main objective of our states with the striped bass resource is to reestablish naturally reproducing populations of stripers by introducing hatchery spawned and culture fingerlings back into the river systems that once had naturally reproducing populations. Strong efforts by industry in the northern Gulf of Mexico coastal areas to clean up their discharges has made this possible in areas that were in recent years not suitable for the fish to live. We still have problems with pollution, but the research goal for our anadromous programs with striped bass are aimed at supplying the critical mass required to establish naturally reproducing populations. Reports of natural spawning of striped bass in coastal Texas and Florida indicate that reestablishment of spawning populations of stripers is a realistic goal. Increased reports of striped bass in the recreational creel in all gulf states indicates that numbers of the fish are increasing which will enhance progress toward self-sustaining populations. To discontinue current efforts in this regard would break the chain of growth which will ultimately allow the gulf states to achieve their goal.

I understand that the NOAA Marine Fisheries Program Authorization Act gives Department of Commerce additional authority to carry out research and data collection not otherwise specifically under existing authority. We support reauthorization.

Thank you for the opportunity to comment.

International Association of Fish and Wildlife Agencies
Organized [illegible]
Hall of the States
444 North Capitol St. NW, Suite 534, Washington, DC 20001 (202) 624-7890
R. Max Peterson, Executive Vice President

STATEMENT SUBMITTED FOR THE RECORD BY THE INTERNATIONAL ASSOCIATION OF FISH AND WILDLIFE AGENCIES CONCERNING THE REAUTHORIZATION OF THE ANADROMOUS FISH CONSERVATION ACT AND THE INTERJURISDICTIONAL FISHERIES ACT OF 1986

The International Association of Fish and Wildlife Agencies, founded in 1902, is a quasi-governmental organization of public agencies charged with the protection and management of North America's fish and wildlife resources. The Association's governmental members include the fish and wildlife agencies of the states, provinces, and federal governments of the U.S., Canada, and Mexico. All 50 states are members. The Association has been a key organization in the promotion of the principles of sound resource management and the strengthening of federal, state, and private cooperation in protecting and managing fish and wildlife and their habitats in the public interest.

The Association is pleased to submit for the record our comments supporting H.R. 1224 and H.R. 1225; both excellent examples of continued cooperation between state and federal governments in managing the nation's fishery resources.

H.R. 1224 would reauthorize the Anadromous Fish Conservation Act. The Act created an important state and federal partnership which is critical to the successful management of the anadromous fisheries resource. The Act provides funding for multiple-state research and management through grants to states to conduct work on these economically and socially important species. Anadromous fish, as they move from ocean to river, encounter a unique array of anthropological impacts in the heavily settled coastal rivers. As anadromous fish pass freely from state to federal waters and then back again, it is most fitting that this partnership be continued. This Association is committed to seeking continuation of this important grant to states program.

Numerous accomplishments have occurred since the Act's passage on all U.S. coasts. Salmon and steelhead, striped bass, and lake sturgeon have all benefited enormously from programs resulting from this legislation. This Association supports H.R. 1224 and strongly urges Congress to reauthorize the Act.

H.R. 1225 would reauthorize the Interjurisdictional Fisheries Act. Its predecessor, the Commercial Fisheries Research and Development Act of 1964, made matching funds for state research and development of commercial fisheries available, resulting in projects for fish culture, landing and research development. The Interjurisdictional Fisheries Research Act of 1986 improved this legislation by shifting emphasis to encouraging interstate management projects. The complexity of managing fish stocks which cross state boundaries is obvious, and requires the type of funding available through the Act. In addition, the Interstate

Fishery Compact Commissions use special funding under the Interjurisdictional Fisheries Act to promote cooperative interjurisdictional fisheries management and research among coastal states. This Association supports H.R. 1225 and strongly urges Congress to reauthorize this important fisheries management legislation.

It is important to point out that there have been questions raised as to whether or not funds from the Federal to Sport Fish Restoration Program (or Wallop-Breaux) could be used in place of these funds. Such a proposal would not be valid under the Wallop-Breaux program. These funds are to be used for sport fish restoration programs, and many of the species covered under these Acts are not strictly sport, making projects inappropriate for funding. Additionally, the Wallop-Breaux fund is supported by recreational user fees and should not be diverted to programs which are authorized specifically to address federal government responsibilities under international agreements. The programs are different and it would diminish one by borrowing from another.

Working for the Nature of Tomorrow,
NATIONAL WILDLIFE FEDERATION
1400 Sixteenth Street, N.W., Washington, D.C. 20036-2266 (202) 797-6800

March 31, 1989

The Honorable Gerry E. Studds
Chairman
Subcommittee on Fisheries and Wildlife
Conservation and the Environment
U.S. House Of Representatives
237 Cannon Office Building
Washington, DC 20515

Dear Chairman Studds:

We respectfully request the enclosed comments be made part of the record for the March 16, 1989 hearing on H.R. 1224, H.R. 1225, and H.R. 1223, bills to reauthorize the Anadromous Fish Conservation Act, the Interjurisdictional Fisheries Act, and the National Oceanic and Atmospheric Administration Marine Fisheries Program, respectively.

Your continued support of fisheries conservation is greatly appreciated, and I trust these comments will assist you as you work to reauthorize these three important statutes.

Sincerely,

Steven N. Moyer

Steven N. Moyer
Legislative Representative-
Fisheries
Fisheries and Wildlife
Division

Enclosure

cc: The Honorable Walter B. Jones
The Honorable Don Young
The Honorable Robert W. Davis
Subcommittee Members

Working for the Nature of Tomorrow

NATIONAL WILDLIFE FEDERATION
1412 Sixteenth Street, N.W., Washington, D.C. 20036-2266 (202) 797-6800

Comments Of

The National Wildlife Federation

On

H.R 1224, a Bill to Reauthorize Appropriations for the Anadromous Fish Conservation Act;

H.R. 1225, a Bill to Reauthorize Appropriations for the Interjurisdictional Fisheries Act;

H.R. 1223, a Bill to Reauthorize Appropriations for the National Oceanic and Atmospheric Administration Marine Fisheries Program

For the Subcommittee on Fisheries and Wildlife Conservation and the Environment of the House Merchant Marine and Fisheries Committee

Prepared By:

Steven N. Moyer
Legislative Representative--Fisheries
Fisheries and Wildlife Division
National Wildlife Federation

March 31, 1989

The National Wildlife Federation (NWF) welcomes this opportunity to present our comments on H.R. 1224, a bill to reauthorize appropriations for the Anadromous Fish Conservation Act (P.L. 89-304), H.R. 1225, a bill to reauthorize appropriations for the Interjurisdictional Fisheries Act (Title III of P.L. 99-659), and H.R. 1223, a bill to reauthorize appropriations for the Marine Fisheries Program Act (P.L. 98-210).

The NWF is the Nation's largest non-profit conservation-education organization, with over 5.1 million members and supporters throughout the U.S. and in 51 affiliated state- and territory-wide organizations. The NWF and its affiliates have a longstanding commitment to anadromous, interjurisdictional, and marine fisheries conservation. We have worked with the Subcommittee over the years to ensure that these programs were reauthorized and funded at levels sufficient to benefit U.S. fisheries resources.

The NWF fully supports H.R. 1224, 1225, and 1223, and the reauthorization of these Acts, and recommends no amendments be made to them. These three laws have proven to be effective tools in the complex and difficult job of managing and restoring anadromous, interjurisdictional, and marine fisheries resources. They soundly balance state and federal fisheries research and management responsibilities, and so are of critical importance for U.S. fisheries conservation efforts.

Anadromous Fish Conservation Act

H.R. 1224 would reauthorize appropriations for the Anadromous Fish Conservation Act (AFCA) program through Fiscal Year 1992. Since 1965, the AFCA program has provided substantial benefits in cooperative federal-state-tribal research and management of anadromous fish, including fish in the Great Lakes and Lake Champlain, and for sea lamprey control. Anadromous fish species nationwide, and the users who depend on them for food, recreation, and jobs, have shared in the benefits:

- In southeastern Alaska, the program provided funding for research and management of sockeye, coho, and chinook salmon restoration projects which have helped support Alaskan commercial fisheries valued at $88 million (1987 ex-vessel value).

- In California, AFCA funding has supported the ongoing recovery of Klamath/Trinity River chinook and steelhead stocks.

- The program has funded critical research helping to identify problems and solutions to the dramatic decline of Atlantic coastal striped bass populations. The result has been to increase greatly the probability that the region can recover some of the estimated 7,500 jobs and $218 million in economic activity lost in the striped bass sport and commercial fishery between 1973 and 1980.

- The program has funded sea lamprey control efforts in the Great Lakes which have facilitated development of the burgeoning salmon-steelhead-trout fisheries of the region.

Continuing Resource Needs For AFCA Funding

Despite the emerging and existing success stories to which the AFCA has contributed, other problems demonstrate the fundamental need for continuation of the program:

- The various stocks of sturgeon species of the Atlantic and Gulf coasts appear to be depressed. For example, shortnose sturgeon is a federally-listed "endangered" species, Atlantic sturgeon is a candidate for such listing, and the National Marine Fisheries Service is reviewing information to determine the status of Gulf sturgeon. Thus, AFCA program funding is needed to assist in determining and monitoring the status of sturgeon populations and for gathering basic life history information to facilitate conservation of these populations and their habitats.

- Even after years of intensive efforts by federal and state governments, Atlantic salmon stocks in New England continue to be depressed severely. AFCA funds are needed to identify, quantify and address sources of juvenile and adult mortality which continue to hamper this restoration program.

- Several stocks of Pacific coho, chinook, and steelhead salmon are severely depressed. Winter run chinook stocks of the Sacramento River (California), which have declined from a peak of about 85,000 returning spawners in the late 1960's to the current level of 2000 to 3000, is perhaps the most dramatic example. AFCA funding is necessary to continue state and federal efforts to restore degraded habitats and monitor the status of populations of these salmon and steelhead stocks.

Clearly, much remains to be accomplished in restoring anadromous fisheries resources, and therefore, the need for a vigorous AFCA program continues.

Other Issues Associated With Continuing The AFCA Program

During the past eight years the Reagan Administration has attempted to discontinue the AFCA program for two reasons. First, the Administration has cited substantial growth in the Sport Fish Restoration Account funding to states for sport fish restoration [provided through the Wallop-Breaux Amendments (P.L. 99-369)] as a substitute for the AFCA federal-state program. Second, given the current budgetary climate, the Administration has argued that the AFCA program is a low federal priority.

As it is likely the Administration will again raise these arguments, we would like to comment on them. First, there are fundamental differences between the Sport Fish Restoration program and the AFCA. The AFCA program is funded by *federal general fund revenues* which are directed to specific projects that address *federal* fisheries conservation priorities. On the other hand, Sport Fish Restoration Account funds are *user fees* collected by the federal government that are then distributed back to states to address *state* priorities. Second, the AFCA program benefits commercial as well as sport fisheries, whereas the Sport Fish Restoration program is intended to benefit sport fisheries only. Finally, Congress never intended that Sport Fish Restoration funds be substituted for federal fisheries conservation funds, but instead that they be used explicitly to support new or expanded state sport fisheries conservation programs.

With regard to the Administration's low priority of the AFCA program, management of anadromous fish (fish migrating long distances through many state and federal jurisdictions) *is*, and *should continue to be*, a high priority of the federal fisheries agencies. Because the only practical and effective way to manage these resources is through shared management with the states, the AFCA program must be a high federal priority regardless of fiscal constraints.

Interjurisdictional Fisheries Act

H.R. 1225 would reauthorize appropriations for the Interjurisdictional Fisheries Act (IFA) through Fiscal Year 1992. The IFA continues to play a key role in the conservation of many marine finfish and shellfish stocks. Initiated with passage of the Commercial Fisheries Research and Development Act of 1964 (P.L. 89-309), state-federal cooperative projects funded by the IFA have helped substantially in managing the Nation's interjurisdictional stocks to meet increasing demand for consumable fish products and for recreation. In 1986, Congress amended the P.L. 89-309 to better reflect the high federal priority for conserving interjurisdictional fisheries, thereby increasing the cost-effectiveness of achieving federal fisheries management objectives through the relatively small amount ($3 to $4 million per year between FY 1982-1989) appropriated for the program.

Although the IFA has helped considerably in providing for research and management of economically important stocks, such as the Pacific salmon and Gulf shrimp species, it also has benefitted other important, less visible, species. For example, IFA monies have supported research and management of bay scallops in Rhode Island, Dungeness crab stocks in Washington and Oregon, Atlantic herring in Maine, and oysters in Florida. Various groundfish stocks and Pacific herring have also benefitted from the program in southeastern Alaska. Finally, marine fisheries management programs in Hawaii, and the nascent programs in Guam and the U.S. Territories of the south Pacific, have been improved substantially due, in large part, to the IFA program.

In addition to these benefits, the IFA also provides funding for the three state marine fisheries commissions. These commissions are responsible for developing fisheries management plans for important coastal interjurisdictional species. Although the commissions' progress on developing these plans has not been as rapid as might be desired, once completed the plans will play a vital role in conserving such important species as striped bass and Pacific salmon. The commissions currently are developing several management plans, including those for Atlantic sturgeon and bluefish, for which continued program funding will be essential.

National Oceanic and Atmospheric Administration (NOAA) Marine Fisheries Program Authorization Act

H.R. 1223 would reauthorize appropriations for the NOAA Marine Fisheries Program Act for three years. This Act consolidated and authorized certain marine fisheries programs of NOAA under the Department of Commerce. Specifically, it authorized appropriations for three activities: fisheries information collection and analysis, fisheries conservation and management operations, and state and industry assistance programs. Funding authorized under the Act was intended to augment funding authorized by other federal programs, such as the Magnuson Fisheries Conservation and Management Act and the Fish and Wildlife Act of 1956.

The NWF supports this bill and its reauthorization without change. The Act, along with others authorizing NOAA programs, provides funding for federal research amd management of living marine resources under NOAA's jurisdiction. Because NOAA is responsible for conserving living marine resources in over 200 million square miles of marine waters, the habitats on which they depend, and management of those utilizing these resources, funding authorized by the Act continues to be essential.

cc: LAS-F - Dunnigan

GENERAL COUNSEL OF THE
UNITED STATES DEPARTMENT OF COMMERCE
Washington, D.C. 20230

NATIONAL MARINE FISHERIES
SERVICE
MAR 30 1989
CORRESPONDENCE CONTROL UNIT

29 MAR 1989

March 29, 1989

TO: James W. Brennan
Assistant Administrator for Fisheries
National Oceanic and Atmospheric Administration

FROM: Michael A. Levitt Mike Levitt
Acting General Counsel

SUBJECT: Description of President's Residual Freeze Category

This is in response to your March 16, 1989, request for a definition of the terms "flexible freeze" and "residual freeze." Most of the details of the President's 1990 budget plan are available in the book entitled, "Building a Better America." Attached is an excerpt of the book which explains the application of the President's freeze category.

Certain portions of the 1990 budget are in the "residual freeze category." Some budget items are explicitly described in "Building a Better America;" the remainder of the budget is in the residual freeze category.

The freeze is "flexible" in that it allows for some individual programs in the residual freeze category to be increased while others are reduced. The book further states: "Final decisions about whether to increase or decrease specific programs within this freeze category are necessarily to be determined through deliberations and negotiations involving the Administration and Congress."

Attachment

cc: Andy Moxam

2. APPLYING THE FREEZE

Trimming the growth in entitlements is necessary, but not sufficient to return to fiscal balance. Further restraints on the growth in Government spending are required. These restraints can be viewed as applying the President's freeze concept to three major categories of Government spending: the vast array of (mostly) discretionary domestic programs that have not been covered in the preceding discussion of Presidential initiatives, the various Federal retirement programs, and defense. The first two categories are discussed in this section. The defense budget is dealt with in Section III.A.

APPLYING THE FREEZE
(Outlays in billions of dollars)

	1989	1990	Dollar Change	Percent Change
Freeze Remaining:				
Nondefense spending	136.0	136.0	—	—
Freeze Federal retirement COLAs	51.2	52.7	+1.5	+2.9
Freeze Defense:				
Constant dollar spending	289.8	291.2	+1.4	+0.1
Total	477.0	479.9	+2.9	+0.6

Nondefense (Mostly) Discretionary Spending

Returning to fiscal balance requires freezing aggregate spending of the remaining domestic programs at their 1989 levels. That is, the 1990 level would be, in total, neither higher nor lower than the previous year. This, however, does not mean that each Federal program within this category must be frozen. The freeze is flexible in that it allows for some individual programs in the Freeze Category to be increased while others are reduced. Thus, programs which have legitimate claims and have proven effective should be increased to the extent that additional resources would provide significant public benefits. Programs that have outlived their usefulness, have proven ineffective, or serve only some narrow special interest should be reduced or eliminated entirely.

Final decisions about whether to increase or decrease specific programs within this freeze category are necessarily to be determined through deliberations and negotiations involving the Administration and Congress. Nevertheless, some illustration of the kind of trade-offs among programs envisioned can be provided.

To illustrate the flexibility available within the overall freeze, it is useful to consider a set of programs that might be candidates for funding increases and how they might be "financed" by offsetting decreases.

Human resource programs that benefit the disadvantaged, particularly the young, and programs that improve the quality of our environment are high among the President's priorities. Thus, when considering which human resource areas might be in line for funding increases,

FLEXIBILITY WITHIN THE FREEZE: EXAMPLE 1
(Outlays in millions of dollars)

	1989	1990	Dollar Change
Program Increases:			
Women, Infants and Children	2,001	2,084	+83
Compensatory Education	4,226	4,312	+86
Infant Mortality Prevention	18	28	+10
Job Corps	698	741	+43
Child Welfare Services	236	252	+16
EPA Abatement and Compliance	1,617	1,779	+162
Superfund	1,150	1,375	+225
National Park Service operations	759	765	+6
Total	10,705	11,336	+631
Program Reductions:			
Urban Mass Transit Administration	3,499	3,271	–228
Amtrak	556	62	–494
Total	4,055	3,333	–722
Net Impact:			
Programs that increase	10,705	11,336	+631
Programs that decline	4,055	3,333	–722
Total	14,760	14,669	–91

* Estimates are illustrative only.

programs such as WIC, Compensatory Education, and Child Welfare Services are natural examples. Likewise, Superfund, EPA Abatement and Compliance, and the National Park Service serve as useful examples of environmental programs that might also be increased. If funding for these programs were to be raised, other lower priority programs in the freeze category would require funding reductions by an equal amount.

The table above summarizes how the freeze would work. Increases in the aforementioned human resource and environmental programs total $631 million. Offsetting spending reductions could be achieved by eliminating those mass transit capital grants and operating subsidies financed by general revenues, and by terminating Federal subsidies for Amtrak. These reductions would total $722 million—more than enough to finance the program expansions.

Although there may be differences of opinion about the magnitude of funding increases for specific programs or the particular list of program reductions, the point is still the same. The freeze is an aggregate target, but there is flexibility within it to accommodate higher funding for high-priority programs.

A second illustration of how the freeze works is in the area of education. The President is firmly committed to improving the quality of our educational system. The President's new initiatives to help meet this commitment were outlined earlier in Section II. Within the remainder of the Education Department's budget, more effective results can be achieved by reordering priorities. Some of the Department's programs, such as Impact Aid (b), have achieved virtual budget immortality, despite widespread recognition that they serve no national purpose. Others, such as Star Schools, a program that provides grants to a few select private telecommunications firms, and the Native Hawaiian Grants, which provide special grants-in-aid only to schools in Hawaii, serve only narrow special interest constituencies. These and other similar programs could be eliminated to make room for expansions in programs that better serve the national interest in educational quality.

The table below shows how elimination of some non-essential Education Department programs can be used to "finance" higher priority program expansions within the flexible freeze.

FLEXIBILITY WITHIN THE FREEZE: EXAMPLE 2

Department of Education

(Outlays in millions of dollars)

	1989	1990	Dollar Change
Possible Terminations	526	394	–132
Proposed Increases:			
Handicapped Education	1,872	1,940	+68
Vocational Rehabilitation	1,618	1,703	+85
Total	3,490	3,643	+153

* Estimates are illustrative only.

A third illustration involves a trade-off between the nondefense functions of Government. Several possible initiatives would reduce Government outlays for energy programs: one is the sale of the naval petroleum reserve (NPR), combined with a requirement that the purchaser agree to provide the strategic petroleum reserve (SPR) with a fixed number of barrels of oil per year. As a result of the tie-in sale, Government expenditures required to fill the SPR would decline. Another is the possible termination of State energy conservation grants. These reductions, in effect, provide room to increase Government spending on veterans medical care and other programs that serve our Nation's veterans.

FLEXIBILITY WITHIN THE FREEZE: EXAMPLE 5

Energy Programs and Veterans Programs

(Outlays in millions of dollars)

	1989	1990	Dollar Change
Energy (Function 250)	4,228	4,068	−160
Veterans (Function 700)	11,890	12,107	+217
Function Total	16,118	16,175	+57

* Estimates are illustrative only.

Freezing Federal Retirement COLAs

FEDERAL RETIREMENT PROGRAMS

(Outlays in millions of dollars)

	1989	1990	Dollar Change	Percent Change
Civil Service Retirement System	27,954	28,774	+820	+2.9
Military Retirement	20,088	20,611	+523	+2.6
Railroad Retirement	2,401	2,539	+138	+5.7
Coast Guard	411	421	+10	+2.4
Foreign Service	327	343	+16	+4.9
Total	51,180	52,688	+1,508	+2.9

ADDENDUM	1990 Savings
Civil Service Retirement System	−746
Military Retirement	−617
Railroad Retirement	−32
Coast Guard	−7
Foreign Service	−11
Total	−1,413

Federal pension costs have grown rapidly over the past two decades, partly as a result of increases in the number of beneficiaries, but to a significant extent because of the provision of virtually automatic COLAs. Only a small fraction of private firms provide full COLA protection to their retirees.

The President proposes to freeze for one year cost-of-living adjustments (COLAs) by eliminating the January 1990 COLA that would be provided to all Federal annuitants. These include annuitants of the Civil Service, Military, Foreign Service, Coast Guard, and Railroad Retirement systems. In addition, the Administration proposes to limit COLAs for members of the Civil Service Retirement System (CSRS), the Foreign Service Retirement System, and military retirees (including Coast Guard) entering service before 1987 to the CPI minus one percent, beginning in 1991.

In recent years, the Congress has enacted Consumer Price Index minus one percent COLA adjustments for the new Federal Employees Retirement System (FERS), and for military retirees entering service after August 1, 1986. The President's proposal would apply this COLA treatment consistently to all Federal employees.

The need for COLA cost restraint is even more apparent when pay increases of active employees are compared with COLA increases for annuitants: pay increases for active employees between 1977 and 1988 totaled 62.5 percent, while annuity adjustments for retirees during that same period were 83 percent. Thus, the President's proposal would move toward a closer balance between active pay and retirement annuities.

April 3, 1989

Representative Frank Pallone, Jr.
1207 Longworth House Office Building
Washington, DC 20515

Dear Representative Pallone:

Under separate cover I am sending you the material you requested at the Subcommittee hearing on March 16. As I indicated at the hearing, the Bluefish Management Plan is a cooperative effort by the Atlantic States Marine Fisheries Commission and the Mid-Atlantic Fisheries Management Council. The Plan is not yet complete and there will be at least two more meetings of the plan development team before the draft plan is presented to the Commission and the Council. It is intended that the plan provisions, as approved by the Commission and Council, be taken to public hearing at some time after the Commission's spring meeting of May 16.

Although I am not yet aware of the details to be recommended by the plan development team, I am aware that the basic objectives of the plan are to maintain the traditional shares of the resource between the recreational and commercial fishery, to prevent the utilization of non-traditional commercial harvesting gear and to reduce wanton waste in the recreational fishery.

The material I am sending you is a draft stock assessment document which describes the condition of the bluefish stock, at least in the eyes of the drafters. Let me reiterate that this is a draft document and should not be quoted. It has not been reviewed by the Commission or the Council and at this time has no official standing, but it is the opinion of two very competent fishery scientists. I should point out that there are other very competent fishery scientists who feel that this assessment is not valid due to the lack of adequate data to support it. Until this difference of opinion is settled, the management measures in the plan will not be based on an assessment of the bluefish stock.

If we can be of any further assistance, please feel free to call on me or the Commission staff.

Sincerely,

Robert A. Jones
Chairman

cc: Irwin Alperin